

ROLL CALL

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

Michael Lautzenheiser, Jr., Director

The November 7, 2013 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Nine members were present for roll call. Bill Horan and Mike Morrissey were absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the October 3, 2013 meeting. Tim Rohr seconded the motion; the motion carried 9-0.

OLD ITEMS:

V2013-007 – Dennis D. Berlin Sr

Michael Lautzenheiser, Jr. explained the violation of the mobile home and a residence in the north building on the property. He stated that the property is zoned I-1. He explained that Mr. Berlin was not at the meeting, but he had filed an appeal through the BZA. He stated that the board could move ahead with the violation or wait to hear what the BZA does at their December meeting about the appeal.

Conditions:

Motion to allow the BZA to make their decision before any further action be taken: Jarrold Hahn

Second: Tim Rohr

Vote: 9-0

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

Michael Lautzenheiser, Jr commented on the October 3, 2013 meeting and looking at the language changes for the non-compatible uses, parking restriction/business accessibility downtown, and burnt-out buildings located downtown. He stated that the Steering Committee came up with the final language. Mr. Lautzenheiser gave an overview of the changes. He stated that part (D) is an action point and part (C) is the answer to the question for each of the sections. He then quoted the language that got changed. He stated that the changes were to add specifics to some of the points. He commented on the general format changes to the text in the comprehensive plan. Mr. Lautzenheiser then explained the APC role, which is to make a recommendation to the legislative bodies.

Conditions:

Do Pass Motion: John Schuhmacher

Second: Jarrold Hahn

Vote: 9-0

NEW ITEMS:

A13-11-31 ROCKCREEK TWP., NW/4 01-27N-11E Frank Dickason requests approval for a development plan for a 100' x 50' barn and containment tank. The property is located at 726 W. US 224, Uniondale, IN 46791 and is zoned B-3 & I-1.

Bryan Harshbarger, Briner Building, explained that Bruce & Kim Baumgarner are looking to purchase the property from Mr. Dickason contingent on the approval of the development plan. He stated that they would like to construct a 5,000sq.ft. truck wash building specifically for empty livestock trailers. He explained that this would be for their own trucks and a few trucks not owned by them. The water from the wash would end up in an above ground containment tank that would be emptied daily or as needed. The site area is currently all hard surface. There are provisions for a containment plan if run off were to occur. There is a dock inside the building, which is recessed 2ft in the ground. There is a level area before the recess and there is also a 12in high concrete curve around the entire building. The building will have gutters and down spout, which will not be tied into a tile.

Michael Lautzenheiser, Jr. stated that the Plat Committee meeting saw no detention requirement because the site is currently hard surface that would just be replaced with hard surface. The Committee did question what would occur if there were a potential spill from the containment tank so that a plan of action could be created. He explained that part of that plan is shown on the site map where there is a swale on the west side of the property.

Jarrold Hahn commented on the drainage issues. He stated that this site is a fairly flat area. However there have been some flooding issues in that area, but not necessarily with this site. He explained that water run off would not go to adjacent properties do to a natural brim caused by old railroad.

Bruce Baumgarner stated that about two acres of the property is currently being farmed. He stated that the wash water from the containment tank would be taken off site to their farm and knifed into the ground. He explained that the wash in the containment tank is about 90% water. He told the board about the livestock trailers and the reason for cleaning to reduce animal cross contamination. He explained that the trailers would only be outside the building for a couple of hours. There are two bays in the building and it takes about 45 minutes to wash a trailer. He stated that they are cleaned out by just water and that the containment tank can hold about 22,000 gallons.

Dave Double provided the board with names of people against this petition. He stated that he has no problem with new business coming into the area. He explained that the water does run from 224 back to the creek, until there is a heavy rain and the creek backs up and does not flow south like it should. He shared some pictures of the standing water that flood his 3 acre lot. He stated his concerns about the containment tank and blocking the tile. He also addressed concerns about run off and that contaminated water getting into his well and the wells in town. Mr. Double questions the safety of the community and who would be responsible for the clean-up of an accident. He stated that the more trucks that go through the property the greater the risk. He also quested who would monitor the surrounding area for contamination.

Kent Ulmer stated that he owns a livestock trucking company too. He explained the current situation with hogs and diseases, and the need for washing out trailers after every load to eliminate cross contamination. He discussed the amount of manure in his trailer, which is minimal due to wood shaving that is used as bedding.

Deb Charleston, Uniondale resident, commented on her drainage problem and the actions that she's taken to try and resolve the issue. She also addressed the drainage issues of the town that have not been taken care of. She questioned if there were other trailer wash companies and why the petitioner couldn't

construct it on his own property. She stated concerns about the amounts of trucks coming through, the smell, the drainage issue and the potential for flooding.

Mr. Hahn explained that once Mr. & Mrs. Baumgarner owned the property that they could have trucks parked there every day and nothing could be done. He stated that the wash water being contained in a tank is much better than the wash water going on the ground. He explained that there are two different tiles that are of concern and the one that causes the potential for flooding in Uniondale is a private tile that the land owner is refusing to fix. This property could potential drain into the other tile. Mr. Hahn then addressed the discussion that occurred during the Plat Committee. He commented on a shut off valve to be in place along with a plan just in case there was a manure spill, which he stated is not very likely. He explained that if a spill were to occur that the property owner would be liable. If there is a spill, IDEM regulates and enforces actions, but the State Chemist is the regulator on storage of manure.

Mr. Baumgarner commented on his discussion with the State Chemist. He talked about the difference between the percentage of manure in the wash water and the manure that comes out of CAFOs. He stated that the trucks coming into the facility would be no more than 25 trucks daily. Kim Baumgarner stated that figure is only if the business grows. She stated that it would start out as just their own trailers at first. Mr. Baumgarner explained that a new well will be drilled at 103ft deep and just under 100,000 gallons per day.

Kari Steele stated that she works with manure management and for truck washes there is no need for secondary containment. She commented on how diluted the manure is that comes from truck washes compared to manure coming out of CAFO facilities. She stated that due to how diluted the manure is, there is no IDEM permitting requirement for truck washes.

Greg Bower, Uniondale resident, commented on Mr. Baumgarner being a responsible business man.

Chris Gahman, Uniondale resident, stated his concerns about water run-off and possible well water contamination due to the shallow wells in the area.

Conditions: If there is any problem, the owner will be part of the solution.

Motion to Approve: Jarrod Hahn

Second: Harry Baumgartner, Jr.

Vote: 8-1 (Dan Baumgardner)

A13-11-32 JACKSON TWP., SW/4 12-25N-10E Bruce E & Jodi R Leas (Property owner); Jason Leas & Joel Leas (Proposed CAFO owners) request approval for modification to A12-11-30 for 2 -4,000 head wean to finish CAFO barns. The property is located at 800 S & 700 W, Warren, IN 46792 and is zoned A-1.

Joel Hoehn, Stoodly & Associates, explained the change to the petition. He stated that the buildings are going from 115ft x 341ft to 82' x 417' which is a total reduction in each building of 588sq.ft. For the building on the west building, the north and east lines are the same distance from the property. Also for the east building the north and west lines remained the same. This change provides further distance from the property line. Mr. Hoehn explained that the drainage did not change.

Joel Leas explained that they switched hog owners and the new company wanted to change the style of barn from what was previously approved. He stated that these barns are like their existing barns on a different property. However, they are ventilated differently from the previously approved project. He advised the board that they have not recorded the driveway use agreement yet, but it will be done before the permit is obtained.

Michael Lautzenheiser, Jr explained that changing the structures didn't really change the points drastically. He stated that there were two setback variances, which changed the points from 315 to 305. This is above the minimum requirement of 220 points.

Conditions: Same terms and conditions as previous approval (A12-11-30: Highway road management agreement with Hwy Dept, Storm Water Agreement, Shared drive use agreement, and an agreement to maintain points.)

Motion to Approve: Jarrod Hahn

Second: Harry Baumgartner, Jr.

Vote: 9-0

AWS settlement agreement

Michael Lautzenheiser, Jr. explained the AWS appeal petition and the federal litigation that followed. He stated that the attorneys have come to a settlement agreement. The APC was named in the case and the board needs to make a motion to allow the president to sign on the board's behalf to complete the release. He explained that the BZA has already done this. He stated that part of what was agreed upon was that the county would pay \$7,500 of the legal expenses, which comes down to \$2,000 because it was handled through the county insurance.

Conditions:

Motion to have Jerome Markley sign: Jarrod Hahn

Second: John Schuhmacher

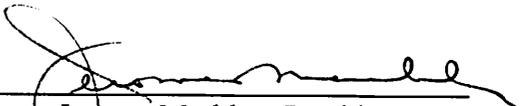
Vote: 9-0

DISCUSSION:

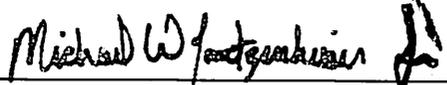
Michael Lautzenheiser, Jr. explained that some of the board members appointment terms were up at the end of the year and that the office would send letters out shortly to those town boards.

ADVISORY:

Finley Lane made a motion to adjourn the meeting. Jarrod Hahn seconded the motion. The November 7, 2013 Area Plan Commission meeting adjourned at 8:47p.m.



Jerome Markley, President

ATTEST: 

Michael Lautzenheiser Jr., Secretary