

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 July 5, 2012 meeting of the Area Plan Commission was called to order at 7:32 p.m. by President Jerome Markley. Ten members were present for roll call. Mike Morrissey was absent.

APPROVAL OF MINUTES:

John Schuhmacher made a motion to approve the minutes from the June 7, 2012 meeting with correction to the names of who made the motion; Jarrod Hahn seconded the motion; the motion carried 10-0.

OLD ITEMS:

The board briefly discussed the clean-up work being done on Denny Johnson’s property, which from last month’s meeting had 45 days to be completed.

NEW ITEMS

A12-07-13 JEFFERSON TWP., NW/4 08-28N-12E Darlene D Schibley request approval for dividing a minor subdivision. The property is located at 1291 E 1050 N, Ossian, IN 46777 and is zoned A-1.

Darlene Schibley stated that she had purchased the property about 16 years ago. Shortly after purchasing the property, there was a water way put through the woods on her property without her knowledge. There’s a 75ft. easement on the ditch and a 24in. tile that goes under that land. She has spoken with Jarrod about her property and about putting an open ditch through her property. Ms. Schibley wants to take the part of the woods that she still has and put it on the other side of the split and leave the water way on her side of the proposed property line, which is how she had it surveyed.

Michael Lautzenheiser, Jr. explained that property is 15 acres and has 1300+ feet of road frontage. He advised that the property meets the requirements for the one time exemption. The split was done several years before the ordinance section was created. He believes that it meets all three of the requirements for review. He has no issue with it as it is proposed.

Jarrold Hahn stated that there is a very old existing tile that would be more on her property than on the split. He explained that it would need to be either replaced or made into an open ditch in the future. He advised that the tile has broken down a few times in the past few years. Mr. Hahn stated that it should be made public that there is a county tile near that split that will need to be maintained and possibly replaced in the future.

Conditions: With the note that the buyer needs to know that the county tile does exist on the neighboring property to the split.

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 10-0

A12-07-14 JEFFERSON TWP., SW/4 09-28N-12E Ossian Partners, LLC (Dollar General) request approval for a development plan for a general retail store. The property is located on the west side of State Road 1 between Davis Road and Dehner Drive, Ossian, IN 46777 and is zoned B-3.

Andrew Rossell, from Seven Generations Architecture and Engineering, stated that his client is the developer for the proposal of a new Dollar General on the north side of Ossian along State Road 1. The property is currently deeded to Dorothy Clark. Dollar General is requesting a new location for its store. His client will build it and lease the store back to Dollar General. The structure is Dollar General's prototype store. It's 9100 sqft. with 30 parking spaces. The current building that they are in is about 8000 sqft. They are currently working with the town to get connection to the sanitary main. They will tap into the municipal water and the storm sewer across the highway will be tapped into with a slow release. Then the water would dump into the county drain just north of the location. The plans were revised per the meeting with the Plat Committee.

Mr. Rossell advised that the driveway cut request is at INDOT and it has been preliminarily approved. The formal document will be submitted. He stated that INDOT hasn't advised him of any changes that need to be made, but he will change the culvert from 12in. to 15in.

Jarrod Hahn commented on the site stating that there is a drainage swale from the south. He questioned where the offsite water would go and what provisions are going to be done for the field to the west, whose water flows on to the site.

Mr. Rossell stated that the ditch is not defined but that the culvert is for the south swale to flow through. The site is at a high point, so the water to the south appears to just sit there. If there is a severe flooding incident, before the water got up to the road it would flood into the parking lot and then it would drain through the 6in. slow release and drain into the county tile. There is a culvert to the north or south of the location that takes the water across into the storm system.

Mr. Hahn stated that the offsite surface water would be coming from drainage of the backyards of Rose Ann Heights and the back of the furniture store. The southwest all shed to the site location. There is a drainage swale across the site. He does not believe that the 6in. tile is sufficient enough.

Angie Dial questioned if the project could tie into the 30in. tile across the street.

Mr. Rossell stated that they would bore under the road and tap into the manhole. Any water that would run on to the site would be collected in the detention basin. He advised that most of the water sheds off to the ditch from the front half. The back half naturally sheds to the northwest.

Jarrod Hahn stated that the site currently acts as a detention pond for the properties to the west. The water currently gets off of the site through the side ditch and a subsurface tile. With a heavy rain, the entire lot could be under water. He does not believe that the detention pond is big enough. It does meet the ordinance requirements for the water on site. However, there is more water coming onto that location from offsite sheeting. Drainage would have to be done around the site or the detention pond would have to be much larger.

Andrew Rossell advised that the perimeter of the parking lot matches to the existing grade by 5ft. He stated that it doesn't seem to be blocking any defined path for the standing water to get to the ditch.

Angie Dial stated what was discussed during the Ossian Town Board. She advised that the drainage was not talked about, just the sewer. Luann Martin, the Ossian town manager, noted that there is flooding on the farmland, where the proposed development is being sited. The developer wanted a 1.5in. forced main running across private property, but Ossian does not like that it would be on private property. Nor does Ossian like the fact that it would be 1.5in. because they do not have the equipment to maintain it. Ossian would like to financially help extend the gravity sewer out.

Mr. Rossell explained the easement for the sewer to go across private property and that the easement holder would maintain it until it entered into the right of way. There is the sewer manhole about 300ft. south of the property. In order for the forced main to get to that, an easement would have to be obtained. Then it would be run perpendicular to the right of way straight out to the manhole and discharged in that manhole. He stated that INDOT is requiring ingress and egress tapers on the west side and extending the passing blister and right turn lane on the opposite side of the road.

The board discussed congestion in that area and questioned another road cut. They also discussed INDOT permitting the road cut and how that would affect the possibility of State Road 1 being two lanes both directions. They also talked about how the lanes are currently.

John Schumacher voiced his concerns about light trespass and light pollution. It looks like the light is fairly concentrated just on site.

Michael Lautzenheiser, Jr. stated that before the furniture store and the houses to the north were buffered by the 100ft. or so of lot. Now with the development, there is question on if there is adequate buffering between the project and the housing. The lot is currently zoned B-3, and has been for several years, and has been zoned some type of business zoning since Ossian changed the zonings.

Mr. Rossell advised that the north 16 parking spaces are not necessarily needed. They are just to meet the ordinance. Dollar General, through their research, stated that they only need 30 spaces. Eliminating those spaces would provide more of a buffer on the north side for the houses. He explained that delivery trucks unload through a double door in the rear of the building. The truck parks in the front aisle, which is why it is 40ft. Deliveries are done in the early morning or late evening so that not many people would be at the store. He stated that there was another site looked at in Ossian, but it was not chosen due to flood plain issues.

Kevin Smith, owner of Ossian Furniture, addressed his concerns about the water drainage issue. There is a swale that runs through the back of the proposed property. He stated that he doesn't have any concerns with the easement, but he would prefer that the Town of Ossian do the sewers. He likes the idea of the store being there because it could help his business too.

The board discussed the detention pond size and if it could handle the off-site water. There is too much off site water and the pond could not handle it. The detention pond meets the ordinance for the on-site requirement. However, there is just too much off-site water. They also talked about the fact that the water currently sits in that sites and where will it go. Could it cause flooding for the neighboring properties?

Andrew Rossell stated that the only thing that is being built up is the pad in order to get all of the drainage to work. He explained the proposed catch basins in relation to the existing ground. They are proposing several drains along the south side of the property to collect any water from the south property.

Mr. Smith explained the drainage of his property and the culvert that is in front of his building. He stated that the culvert fills, and he does not believe that it drains anywhere. He questioned whether the proposed site will alleviate the water pooling on his property.

Dorothy Clark, seller of the proposed property, stated her concerns about drainage on to the neighboring properties. She would like the additional parking to the north be held off to see if it is necessary.

The board also discussed possible issues that INDOT would have with the driveway. They also talked about the benefit of a shared driveway with Ossian Furniture due to the fact that Jefferson/State Road 1 is a very busy road.

Mr. Smith questioned if a shared drive would help with the drainage and water movement. He stated that their property has never had a problem with water accumulating in the back of it. The only issue with water has been on the front of the property. He advised that he would entertain the idea of the shared driveway.

Mr. Rossell stated that his client prefers to have their own access to the property. They don't like going into agreements with neighbors. It tends to but too many restrictions from the neighboring property.

Michael Lautzenheiser, Jr. explained that, on the existing plan, the location for the sign is too close to the right of way line. It appears to be 10ft. to 15ft. too close. If the sign is going to stay, then a variance request would need to be applied for and heard before the BZA. The reduction of parking spaces would also have to go through the BZA for approval.

The board then discussed service drives. They compared the service drive on the current Dollar General store and the drive design for Baker Drive. They also discussed which drive type INDOT prefers more.

Conditions: Accommodations are made with Ossian for the sewer connection, INDOT approval of the ingress/egress, BZA recommendation to remove the 16 parking spots from the plans for more room for a swale to get water from the west to the east side of the lot, change the culvert from 12in. to 15in. minimum to go with INDOT standard, sign setback would need to have BZA approval at its current location on the plans.

Motion to Approve: Bill Horan

Second: John Schuhmacher

Vote: 8-2 (Angie Dial & Jarrod Hahn)

OTHER BUSINESS:

Manure Lagoons

Michael Lautzenheiser, Jr. explained the Ronald Mang property and the potential satellite lagoon. It could hold over 2.5 million gallons. He asked the members of the public to state their concerns.

Ryan Carroll, from the Chester Township area, explained the pond permit and how the community believes that the pond's intention was never to be a recreation pond, but to be used as a remote manure lagoon. The pond has been dug. He stated that the community realizes that there would be penalties imposed if the use of the pond ever changes from recreational into manure storage. He asked the board what it would take to prevent or limit lagoons and to restrict them to the point where they are on the property with the operating CAFO. Mr. Carroll stated that this pond was dug to be used for industrial application storage of manure. He even questioned if it would be used to store imports from out of state or from other farmers. He advised the board that solicitations have been made to other farmers and CAFO owners. He also questioned how the CAFOs could be limited. He feels that there are currently too many.

Gene Bowyer advised the board that he has been in contact with individuals from EPA and IDEM. He stated that the current setback for the pond is 70ft., but he questioned what the setback for a manure lagoon would be. IDEM had told him that if a lagoon was under a million gallons that there was not much that they could do about regulating it. He questioned the fact that there appear to be more rules and regulations to put in a septic system than there is for a manure lagoon. Mr. Bowyer expressed his concern for the effect this would have on property values and the water table. He addressed who he thought would be dumping into the pond and that there would be more CAFOs put up and those new ones would also be dumping at this location. He also stated his concerns about manure coming in from other counties.

Mr. Lautzenheiser stated that he was not sure of all of IDEM's July 1, 2012 requirements and changes. IDEM's rules for lagoons over a million gallons is very similar to building a landfill. He advised that from the office's stand point the permit is not applicable for a lagoon since it was issued for a pond. He explained how the violation would work. Mr. Lautzenheiser advised that the penalty could be up to \$2500 per violation. Therefore, if it were to arrive at the location in truck loads, each truck could be considered a violation. He also stated that local review of a CAFO just occurs once.

The board discussed the CAFO IDEM permitting and how often it is to occur. With the new regulation, it is an annual process.

Mr. Carroll and Mr. Bowyer want to have all satellite lagoons banned and to have CAFOs stopped in the southern part of Wells County. They are also opposed to any expansions on existing CAFO sites.

Mr. Lautzenheiser informed the board what had occurred at the recent Commissioners' meeting. They decided to back an ordinance revision, which would incorporate rules for satellite lagoons. At the next meeting, the ordinance revision would be scheduled for review of the CAFO ordinance with possible revision.

Jarrod Hahn stated that he was making a map of where the CAFOs were at in Wells County and learned that Jefferson Township has one of the highest concentrated areas. Chester Township only has 2 CAFO barns.

Michael Lautzenheiser, Jr. stated that IDEM notifications are for properties a half mile from the proposed site. Locally, the notification is done by a legal ad in the paper and a sign at the proposed property location.

Ryan Carroll further elaborated on how the manure lagoon restrictions could be worded in the proposed ordinance amendment. He would like it to have stated that the lagoons could not be used for interstate distribution of manure. He also stated that he believed that there needed to be a permit to transport the manure and questioned whether that was issued locally or with IDEM.

Bill Horan explained that some operations fall below IDEM's radar because they are not CAFOs or CFOs and therefore are not regulated through IDEM. There would not be any inspection on the smaller operations unless there is a spill. He advised the board that the office of the Indiana State Chemist require people to have an applicator permit. In addition to that permit, if a farmer has a CAFO or CFO they must receive a permit to apply the manure, which requires special training and a license in order to do so. Some farmers are stockpiling manure on fields and that is slipping through the cracks because they are not CAFO or CFO operators. Mr. Hahn commented that the State Chemist would just be over dry manure and that IDEM would regulate liquid manure.

Mr. Lautzenheiser explained the violation process. He gave the scenario if they did put manure in the pond that there would be a stop work issued and violation sent. If those are not complied with, then an action would be filed with the county court. However, during this time the manure would still be in the pond. He advised that there was a letter sent to Ronald Mang concerning this issue and there has not been a response back. He also informed the board that this is the first instance of a satellite lagoon and in the county and the second in the state.

Wanda Jones questioned what were to occur if Mr. Mang does not respond.

Tom Jones stated his concern with the CAFOs, primarily the stench. He said that there are 11 barns with in a 6 mile radius in Jackson Township. He would like there to be rules for CAFOs to limit the number of barns per square mile.

Jack Pace questioned what he thought was \$2500 fine per day for the violation and earlier it was stated \$2500 per truck. Which is correct? Mr. Lautzenheiser explained that the fine was per violation and the court would issue the fine amount and collect the fee. Mr. Pace wants the fine to be known to the public. He also questioned whether the lagoon could be making a profit while it was in violation, even after the fee was paid. Mr. Pace also questioned if the office would have issued a permit for the lagoon knowing what it was to be used for. He would like the board to listen to the people's concerns and take action. He expressed his concerns with how this would affect the historical Five Points School.

Cathy Shaffer stated that when they built there home there were no CAFOs and now there are 9 that surround her home in Jackson Township. She believes that is too many for that area.

Carol Osborn questioned how the stop work order worked and who it would be issued to. Mr. Lautzenheiser explained that it would be issued to both the owner and the operator.

Neil Dollar questioned if both the owner and the operator would each receive the \$2500 fine. Michael Lautzenheiser, Jr. stated that the fine is only issued to the property owner.

The board discussed the process of an ordinance revision and that it could take between 45 and 60 days to fully complete the process. They also talked about possible revisions that could occur to the CAFO ordinance. The board also explained what a moratorium was and how it could take just as long as an ordinance revision.

2013 Budget

Mr. Lautzenheiser explained that the County Council is requiring all budgets be cut. One area being reduced is board compensation would be cut by \$1000 due to the fact that the fund is not all expended. Another item that is being reduced is that the part time secretary is being changed from working 3 days a week to 2 days, which would save about \$1300. Other cuts were made to office supplies, print book and permits and reducing the legal service amount to just \$1000 over the actual agreed upon cost. He explained that postage would be reduced and instead of mailing out the board packets that the office would email them out or have the board member pick it up from the office. Over the entire budget was cut by \$6000. He explained that council would probably cut more.

Fee Schedule

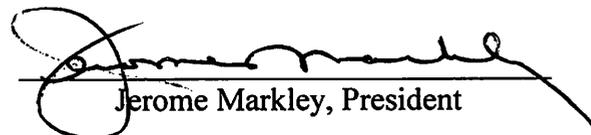
Mr. Lautzenheiser also explained that there was an additional part to the council's request, which was that any office that had the ability to raise fees should raise them. He stated that the proposed fee schedule was a maximum fee. He advised that these fees were comparable to other counties. Mr. Lautzenheiser clarified how the fees were determined. The proposed maximum fee schedule with the averages of the last 3 years would bring in an addition \$10,000 if the amount of work stayed steady. These fees go into the county general fund, which would ease the budget process for the next year.

Board Member Packets

The board members talked about who would want their packets emailed, mailed out and who would pick them up from the office. The one's picking them up from the office will be called when they are ready.

ADVISORY:

John Schuhmacher made a motion to adjourn the meeting. Jarrod Hahn seconded the motion and the motion passed with a vote of 10-0. The July 5, 2012 Area Plan Commission meeting adjourned at 10:18 p.m.


 Jerome Markley, President

ATTEST: Michael W. Lautzenheiser Jr.
 Michael Lautzenheiser Jr., Secretary