

ROLL CALL

Harry Baumgartner	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 7, 2011 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Bill Horan. Nine members were present for roll call. Angie Dial and Mike Morrissey were absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the May meeting; Finley Lane seconded the motion, the motion carried 9-0.

OLD ITEMS:

A11-06-14 JEFFERSON TWP SW/4 10-28N-12E Ossian health Care Holding Company, LLC requesting development plan approval for 20' X 58' Addition. Property is located at 215 Davis Rd, Ossian and zoned R-1.

Representing the petition was Joel Hoehn from Stody's and Associates. He stated that the company is requesting the approval of a 20' X 58' addition on the southwest side of the current structure. There are currently down spouts and gutters on the south end of the building that ties in to the secure drainage. Then there is an in-let in the center of parking lot on the west side with an 8" pipe drain that goes north and ties into the 24" storm drain that goes west to State Road 1. There is a 50' dedicated street on the west side of this property that will improve the design. Currently the water from that unimproved street sheds to a low area on the northwesterly portion of the west wing of the structure. There is some storage area in the asphalt parking lot and some stone in that area, but right now all of the water gets drained into that parking lots 8" pipe.

Joel Hoehn state that on the drawling the proposed addition on the other end of the building is from the early 1990's that never was constructed and is currently a parking lot. The company is not planning on developing that area at this time. He stated that the drawling can be corrected to reflect the area as a parking lot.

Michael Lautzenheiser Jr. stated that with the proposed addition of 20' X 58' that the company could use the one time drainage exemption and would not have to do storm water detention. However, the next addition to the structure, no matter the size, would require the storm water detention.

Jarrold Hahn stated that there is a county tile that runs somewhere on the east side near the property line. If there were to be future development plans proposed for this site, that tile would need to be found before development.

Conditions: None.

Motion to Approve: Jarrold Hahn

Second: Tim Rohr

Vote: 9-0

NEW ITEMS:

A11-07-15 JEFFERSON TWP. NE/4 32-28N-13E Maple Creek Pork, LLC- Michael Fiechter requests approval of a CAFO for 3, 4,620 head wean to finish hog barns. Property is located at 6880 N 800 E-90 Decatur, IN 46733 and zoned A-1.

Representing the petition was Joel Hoehn from Stoodly's and Associates and Michael Fiechter of Maple Creek Pork, LLC. Michael Fiechter stated that they are planning on having 4,000+ head of hogs for wean to finish for each building. He stated that they have plenty of rights to farm ground to take care of the waste.

Joel Hoehn stated that the buildings are the same size as the one proposed last meeting by Douglas Klefeker. The air intake is located on the south side and there are fans located on the north side of the structures. There would be a dirt mound located on the north side of the structure with trees located on the top. There is a wooded area on the west southwest side and a retention basin on the west side, which will drain into the existing 6" tile. There will also be a mound on the west side, along with trees west of that. The access to the property will be off of county road 800 E. The Fiechter's also own the home and other buildings east of this property and will use the existing drive. They have filed an ingress/egress easement for that drive. If in the future they need to, they will put a drive in on the north side of the property to access the buildings. There is a swale to be put in on the south side of the structures that will also drain in to the retention basin. Any surface run off will be collected in that retention basin before it is released into the existing tile on the farm. On the south end of the basin, there is a 3" PVC pipe, which will go through the basin and connect into that 6" tile. Also, there will be an emergency shut off valve in case there is spill. He stated that the outlet for the swale is a 3" tile.

Michael Fiechter owns the house and structures that are located on the property next to the proposed location, but the house is rented out. The house is about 300' south of the nearest proposed structure.

Joel Hoehn advised that the Fiechter's own all of the land and buildings south of the location to county road 650N. The structures would be located 100' south of the north property line and 300' east of the west property line.

Michael Lautzenheiser Jr. explained that the proposed CAFO would have 306 points, which is above the 220 required.

Chad Fiechter of Maple Creek Pork, LLC stated that for composting it is an in-vessel composter. It is a cylindrical tube, 42' long and insulated with dry pine shavings. It is self-contained.

Working with EQUIP through NRCS, they have created a plan. It projects that there would be a year's worth of storage if the plan is followed. The composting would be located on the west side of the property south of the structures.

Michael Fiechter advised that the likelihood of not being able to inject the manure is very slight. There is over a year's worth of manure storage planned.

Michael Veenhuizen of Livestock Engineering Solutions stated that IDEM requires a minimum storage capacity of 180 days for manure. Their calculations, based off of IDEM's numbers, come to about 352 days of storage capacity.

Michael Lautzenheiser Jr. stated that the 2 closest non-relative dwellings to the location are 1200' to the west and to the northeast of the structures.

Bill Horan explained the role of the board in handling CAFO petitions and the ordinance for the CAFOs.

Stanley Worthman, adjacent property owner to the west of the location, questioned where the drainage would go. He stated that the existing tile goes through his property. He previously spoke with Jarrod Hahn and the Adams County Surveyor about the county running a tile through his property to the Bauermeister ditch. He is opposed to the petitioner's drain hooking into the tile that goes through his property. He stated that there is already a problem with draining in that area. He would like to see the petitioner run a tile that would go all the way to the ditch. He stated as the land is now the water flows to the north and what is being proposed is to take it to the south, which would cause more water going into the tile that runs through his property. At least 120 acres, possibly 180 acres, already drains through this tile.

Joel Hoehn explained that the water would drain through the existing field tile that does run through Stanley Worthman's property. He stated that with the retention pond, the amount of water that would be released would be the same as what is currently shed in that area. However, it would go to the south rather than to the north. With the 3" tile, he stated that release would be close to the standard for detention areas of the 10 year rain event. The size might be restricting the flow more. It could be between the 5 and 10 year rain event. The distance from the property to the Bauermeister ditch is about a half mile. It is feasible to run a flat tile from the property to the ditch.

Ralph Bauermeister, neighboring property owner and farmer, stated that there has always been a flooding problem north of the location. He favors the draining of the property going south.

Jarrod Hahn offered to be a mediator between Michael Fiechter and Stanley Worthman to reach an agreement between ownership and maintenance of the tile. He advised that a document be recorded so that in the future there would be proof of the agreement.

Rendell and Monica Miller, neighbors that are 1200' northeast of the property, are concerned about the odor of the facility and the fact that there will be two wells on the property and what that will do to the water tables in the area.

Michael Veenhuizen of Livestock Engineering Solutions explained the odor abatement that will be used is earth and brim on the north side, along with trees. The types of trees that are recommended are Evergreens and fast growing deciduous. The trees will filter odor emissions up to 65% to 70%. He stated that the trees will remain on the east side of the facility. He advised that there is sufficient water in the area and that the approximant 12,000 gallons a day use would have little impact on it. The contamination level from the facility would have no to little impact on the water storage.

Chad Fiechter of Maple Creek Pork, LLC stated that the proposed mounds are going to be higher than the 50' fans on the facility.

Stanley Worthman, adjacent property owner to the west of the location, stated that he was in contact with IDEM about the filings with the state on this property. He advised that it was not done properly. There are errors in the notification process, the map of where the facility is to be located at and the land application agreements. He stated the notification that needed to be sent to the adjacent property owners and residents was not done correctly. Carlton and Ruth Worthman live in the house that Stanley Worthman owns. He received the notification but Mr and Mrs. Worthman did not and they are not on the list of the parties notified by the applicant. Also Phyllis Bauermeister is not on the list of notified individuals and her house is not on the map that was submitted. Also not listed on the parties notified by the applicant are the residence of the house owned by Wilmer and Jacqueline Werling.

Worthman explained that the map that was submitted with the filing to the state was wrong. It was missing a house on the Bauermeister property. There should be two, but it only shows one. Plus, it has the proposed buildings being just south of 750N instead of being just south of 700N.

Worthman stated that there was an error in the land application agreement between the petitioner and Nancy and Bill. It states that it is a written agreement between the two parties for 10. It does not state what the 10 is in reference to. There is a land application agreement between the petitioner and Bill and Jean Aschliman. Jean has passed and the land is still deeded in both Bill and Jean's name. Is the agreement still legal? There is a land application agreement between the petitioner and Edgar and Rosella Rekeweg. The agreement has 80.3 acres and 40.8 acres listed. The agreement was signed on April 4th. The 40 acres has been in a lawsuit for the last 4 or 5 years. Between the time the agreement was signed and Maple Creek Pork filed with the state, the Rekeweg's lost the 40 acres at a sheriff's sale. The petitioner wrote on the agreement that the 40 acres had been sold. Is the agreement still legal? Stanley Worthman wants the documents to be corrected so that the filing is right.

Michael Veenhuizen of Livestock Engineering Solutions stated that IDEM has been made aware of the errors of the submission and IDEM has contacted Michael Fiechter and Veenhuizen about these issues and has asked for clarifications. Since approval has not been issued yet, provisions to the application have been submitted to IDEM. These include removing the Rekeweg property from the land application agreement; correct the language in the land application agreement to reflect years (ie 10 years for the agreement with Nancy and Bill); and the notice letters with corrected maps will be sent to the neighboring property owners and residents, plus supplemental letters will be sent to the three residents that were initially missed. IDEM will receive an updated

notice list. IDEM has completed their review of the application and are holding it until it is accurate.

Conditions: Suitable drainage outlet needs to be reached either by an agreement between Michael Fiechter and Stanley Worthman on the current tile or Michael Fiechter having new tile laid. The IDEM requirements needs to have been completed and the permit granted. Also, that a written agreement is recorded stating that the point base for the CAFO would be maintained.

Motion to Approve: John Schuhmacher

Second: Finley Lane

Vote: 9-0

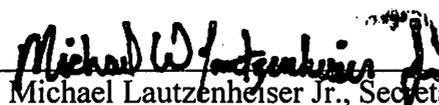
OTHER BUSINESS:

Michael explain the proposed APC budget for 2012 and the board discussed.

The July 7, 2011 Area Plan Commission meeting adjourned at 9:20 p.m.



William Horan, President

ATTEST: 

Michael Lautzenheiser Jr., Secretary