

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 August 4, 2011 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Bill Horan. Eleven members were present for roll call.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the July meeting; Finley Lane seconded the motion, the motion carried 10-0-1, with Mike Morrissey abstaining.

NEW ITEMS:

A11-08-16 HARRISON TWP., NW/4 04-25N-11E Lula Belle Reiff requesting rezone approval for lots 121, 122, 123, 124, and 125 of Oak Park addition to be zoned I-1. Property located at 1100 S. Morgan St. Bluffton, IN 46714 and currently zoned R-2.

Representing the petition was Paul Reiff, husband of the owner of the property, Mike Rowe, executive director of economic development for Wells County, and Roy Johnson, attorney for the Reiff's. Paul Reiff stated that their business has moved from the Morgan Street location. When having the building appraised, the appraiser stated that it would be best to get it rezoned due to banks looking at the building as a commercial in an R-2 zoning it would not sell well. The building was grandfathered in as commercial since it was built in 1936. It states that if the building sits empty for a year or more it loses its grandfather status. Mr. Reiff informed the board that when the structure was built, there were fields surrounding it. Then the residential moved in around the building.

Roy Johnson further explained that the Reiff's did not choose a location that was residential to build the structure, but that the residential area grow up around there building. He commented on the spot zoning concern. He addressed that it may not be surrounded by I-1 zoning but does not mean that it's an illegal spot zoning. He stated that there were five Indiana legal cases on spot zoning. Four of the five cases were permissible. The fifth case was not permissible due to the fact that the rezoning was being used to try and by-pass federal law.

Mike Rowe stated that Wells County's number one challenge in economic development area is inventory. This refers to sites and buildings that can be marketed to prospects to attract them to Wells County with their business. This would create new jobs and expansion of the tax base. Currently there are two buildings available in an I-1 zoning in Wells County for prospective parties and site selectors like to visit locations with larger offerings of inventory. He advised that another benefit if the property were to be rezoned is that he works closely with garage and pole

barn entrepreneurs, people who have great ideas for business and grow out of their current location and are in need of a bigger space. The space and location of this building is great for them.

The Board discussed and listed limits to what could or could not be used in I-1. Truck routes and traffic around the location were also discussed. It was debated what type of business could go into the structure due to its size, the size of the lot, and setbacks.

Conditions: N/A

Motion for Do Pass recommendation: Jarrod Hahn

Second: Jerome Markley

Vote: 11-0

A11-08-17 LANCASTER TWP., SE/4 27-27N-12E Loren's Body Shop, Inc. requesting development plan approval for an addition to an existing structure at 243 East Dustman Rd. Bluffton, IN 46714. Property is zoned R-1.

Representing the petition was Greg Lobsiger, owner of Loren's Body Shop and Joel Hoehn of Stoodly & Associates. Mr. Lobsiger stated that there are two existing buildings on the site and that the proposed addition would connect the two structures. The area in between the two current buildings is gravel, therefore the footprint would not change nor would the drainage. The addition would be for a priming prep booth to follow EPA regulation. This would keep the vehicles inside during the whole process. Currently the cars are going in and out between the buildings during all weather.

Joel Hoehn stated that the addition will slope to the east and the west. On the east side there will be gutters to have the water flow to the north. There is a swale on the west side of the property near the church and the southern part of the property flows to Dustman Road. A majority of the rest of the property flows to the north.

Conditions: N/A

Motion to Approve: Mike Morrissey

Second: Jarrod Hahn

Vote: 11-0

A11-08-19 ROCKCREEK TWP., NW/4 32-27N-11E Rock Creek Investors LLC - Darin Johnson requesting development plan approval for a ready mix plant at 0781 N 500 W, Bluffton, IN 46714. Property is zoned A-1.

Representing the petition was Darin Johnson, owner of Rock Creek Investors, and Matt Subler of Berne Ready Mix. Mr. Johnson explained that there was an original request to rezone the location from A-1 to I-2. This was denied and there was a petition for a temporary ready mix plant submitted. This request is to make that plant permanent. Everything that has been there for the last 18 months and is in operation as temporary will stay in its current location for the permanent plant.

Matt Subler stated that the ready mix plans are currently only for seasonal weather. It's a warm weather plant. He does not foresee additional structures for the plant to operate year round.

Mr. Johnson stated that there is a brim on the north side and will continue on the west side and move south but will stop short of the operations. He advised that currently everything drains into the quarry. Even with all of the rain this year, there have been no problems with water backing up into the county ditch.

Conditions: N/A

Motion to Approve: Jarrod Hahn

Second: John Schuhmacher

Vote: 11-0

A11-08-18 CHESTER TWP., SE/4 07-25N-11E Douglas T & Tamara J Klefeker requests approval for CAFO for 2 – 4,620 head wean to finish hog barns. Property located at 5255 W 800 S, Poneto, IN 46718 and zoned A-1.

Representing the petition was Doug Klefeker, property owner, and Joel Hoehn of Stody & Associates. Mr. Klefeker stated that the two proposed structures could house 4,620 head, of wean to finish hogs, each. However, they are only planning on house roughly 4,000 each. The location of the structures would be on 80 acres that Mr. Klefeker has owned since 2004, but has been in his family since 1988. He advised that there is a house on that location that is currently being used as a rental, however, one of his sons might be moving in there shortly.

Joel Hoehn stated that on the east building there will be a grass mound on the north end. The air flow on the buildings will enter on the south and exit on the north. The mound would collect some of the dander. There are wooded areas on the north and west side of the buildings. There will be a small detention basin between on the north end between the mound and the east building. The west building has an optional mound. It will have the same air flow as the east building and on the northwest corner of the west building is the detention basin. This is to collect the run off from the middle of the east building going off to the west. There will also be a valve in the outlet pipe from the detention basins that could be shut off any water that could be contaminated, in case there was a spill. There is a 300 foot swale coming out of the larger detention basin on the northwest side. The water from that detention basin would go through that swale and would filter out any type of sediment before flowing to the wetlands area on the northwest portion of the property.

Michael Lautzenheiser explained the CAFO point system and stated that the petition currently has 330 to 350 points. The system was then further explained by Bill Horan.

Michael Veenhuizen of Livestock Engineering Solutions stated that the IDEM permit was still pending.

Mr. Klefeker stated that their plan for manure application is that a majority of it would be applied to land that they farm. He advised that there might be agreements between him and the land owners on some of the properties that they rent. Currently, it would only be applied to land

that they farm, however, that could change if someone wants to buy product from them. Mr. Klefeker advised that this was all explained in their manure plan submitted to IDEM.

Orval Plumlee, concerned neighbor, questioned the effect that the CAFO would have on property value, local small businesses and safety of the water. He also questioned why the two new CAFO structures could not be built on Mr. Klefeker's property that currently have CAFOs on it.

Danielle Ramirez, neighbor about a half mile to the west, questioned the safety of her children. She stated that her four children have respiratory and heart conditions. Ms. Ramirez provided documents to the Board. The documents were:

- 1.) A petition against the CAFO with 50 signatures on it.
- 2.) Internet document "Factory Farming (CAFOs) – Part 3 – The Research Behind Manure Lagoons, Pollution and Other Public Health Hazards." Posted on February 11, 2011 by Mannie Barling and Ashley F Brooks.
- 3.) Wikipedia results from Concentrated Animal Feeding Operations
- 4.) An article from July 10, 2010 edition of The Bloomington Alternative. "CAFO crimes against nature" by Steven Higgs.
- 5.) An article from February 9, 2010 edition of the Sun Journal. "River groups warn lawsuit looms for hog farm" by Nikie Mayo.
- 6.) Internet document "Medical Evaluation & Risk Assessment" from The Association of Health Effects with Exposure to Odors from Hog Farm Operations. Written by North Carolina Department of Health and Human Services State Health Director, A. Dennis McBride, MD, MPH. December 7, 1998.

The Board stated that there was another CAFO hog operation that was about a mile to the west, in Jackson Township, of Mr. Klefeker's proposed location. The previously mentioned operation also has two CAFO buildings at its location.

Michael Lautzenheiser explained the zoning ordinance and how it came to be. He also re-explained the point system for the CAFO.

Mr. Veenhuizen explained that there are currently no IDEM rules or regulations stating the distance one CAFO operation can be from another operation. This is normally controlled by the corporal practice of bio-security and manure control. Commonly that distance can range from half a mile to two miles depending on the type of animal operation.

Kreig Oswald, neighbor on 400W, stated that his concerns were for the odor and health safety of the public. He said that he could smell the Leas' CAFO operations in Jackson Township, which is about 3 miles away. He lives one and a quarter miles from the proposed location. He also stated that his wife runs a daycare out of their house. Mr. Oswald questioned why Grant County put a ban on CAFOs and asked if it was due to health concerns.

Larry Couch, neighbor on 400 W, commented on the fact that smaller hog operations only smell once and awhile and larger operations smell all of the time. He made a comment about the odor in Jackson Township due to five sections that have CAFO hog operations in them.

Mr. Veenhuizen stated that Wells County's setbacks are a lot stricter than that of IDEM. The setbacks for IDEM are 300 feet from water and 100 feet from property lines.

Dave Hall, neighbor on 400 W, complained about the odor that would be produced.

Mr. Oswalt commented about a recent spill, on 1000, of a tanker over turning. He stated that it was cleaned up right away. He stated his concerns about spills and how they would be handled. He also questioned why the two new CAFO structures could not be built on Mr. Klefeker's property that currently have CAFOs on it.

Mr. Klefeker explained that they have not had a spill. If there is a spill, it has to be contained quickly and dammed up. He advised that for the CAFO location, there is a USDA inspector that comes out to inspect the site. The inspector said that it was a good area due to the wooded area. The largest amount of odor occurs when the manure is hauled and applied. He advised that after the manure has been applied to the field, the odor is generally eliminated within 24 hours. It takes about three 60 acre farms to empty the facilities manure. Mr. Klefeker explained that the hauling and application of manure usually occurs about once a year.

Mr. Plumlee questioned the wetland preservation standards in Allen County verses the standards in Wells County.

Michael Lautzenheiser explained that the wetlands preservation is a state and federal issue and that the Salamoine River is a concern to IDEM. He advised that there is a storm water detention site on the property to carry excess storm water, so that there is no greater flow to the river.

Mr. Klefeker explained that IDEM is out every year to inspect the water safety. He stated that there are health risks with most aspects of farming.

Michael Veenhuizen of Livestock Engineering Solutions stated that IDEM rules are in place to protect the health of the animal, water quality and human health. Those rules, which are in place, have been scrutinized over since the CAFO program started in 1970.

Mr. Veenhuizen commented about the fans and ventilation of the facility. He stated that the woods to the north and west of the property would be a buffer and reduce the odor 40-60%. The first few rows of the woods (20 – 30 feet) are the most that are affected as a natural filter.

Mr. Klefeker also explained the fans and ventilation system in the structures. He stated that there are the fans that blow out to the north into the mounds, but there are also side fans that blow straight down onto the ground. He stated that the optional mound on the west building is listed as optional on the development plan, due to the fact that there might not be enough dirt to create it.

Conditions: N/A

Motion to Approve: Mike Morrissey

Second: Richard Kolkman

Vote: 11-0

OTHER BUSINESS:

Michael Lautzenheiser stated that there would be a September meeting.

The August 4, 2011 Area Plan Commission meeting adjourned at 9:45 p.m.

William Horan

William Horan, President

ATTEST:

Michael W. Lautzenheiser Jr.

Michael Lautzenheiser Jr., Secretary