

**AREA PLAN COMMISSION MINUTES
SEPTEMBER 25TH, 2006**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, September 25th, 2006 at 6:00 P.M. in a specially scheduled meeting on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. The following members were present: Dennis Fox, John Bonham, Myron Brankle, Rana Vetor, Mark Bardsley, Bob Highley, Dick Trobridge, Kim Windle, Keith Roorbach, Karen Owen, Dick Treon, Vice-President and Tony Manry, President. John Woodmansee arrived after roll call. Staff present was Debbie Wallace and Brenda Harrison.

Debbie Wallace asked the Board members if they were contacted. Vetor, Bonham, Roorbach, Woodmansee, Manry were the only Board members that stated that they had been contacted about the CAFO.

OTHER BUSINESS:

Tanya Ford went through the draft of ordinance explaining the areas in which there were major disagreements:

26.5 Development Plan

Some disagreements by the committee regarding g, h, and i, one member thought it was too restrictive. What's the purpose?

26.6 Setbacks

1.d.i two (2) miles from a food processing operation.

One person would like less for towns, more flexible zoning. There were five members for and three members against.

Maximum distance of two miles (six members voted for); and one mile (three members voted for).

Distance from a public school was approximately ½ a mile (2640).

Residential: 750 – 1 vote; 1000 – 2 vote; 1320 – 6 vote; 2640 – 1 vote.

i – 180 days manure storage; one member wanted 360 days of storage.

26.6.1.d.2

Change the verbiage to say city or towns, instead of city of town.

Town or city could set their own distances within limits.

Language may change slightly granting jurisdiction from County Commissioners to towns. Time decision for all AFO's per jurisdiction would also include Gas City, Marion, etc. outside of APC's jurisdiction.

Kyle Persinger was still reviewing verbiage.

Dick Trobridge wanted to know why such a spread in setbacks. Committee attempted to reach a compromise and let each town set their own setbacks.

Review of AFO's to be by the Area Plan Commission, and not through a special exception from the Board of Zoning Appeals. This is done by a development plan review.

Tanya Ford stated that the attorney did not feel that overlay zone district is necessary. She also stated that the AFO (Animal Feeding Operation) rule on CAFO will be changed through IDEM and that CAFO & CFO be change to AFO. AFO covers the county for any future rule changes.

26.8 Lagoon and Pit Installation

Two members thought an engineer – would be too costly. One member concerned over well even those that were plugged.

26.9 Monitoring Wells

One member said there should be no minimum number of wells based on survey. Two members said there should be a maximum number of wells. One member did not feel monitoring the wells are necessary.

The Board went through the latest draft section by section, discussing each and stating changes they wanted to see.

26.1 Scope and Purpose

2. Overlay zoning district will be deleted from text.

26.2 Delineation

1. a. Verbiage could change slightly to include jurisdictions outside APC control.

26.3 Definitions

The usage of IAC means it was taken out of State Codes.

Change Holding Pond to Pond, Holding to be alphabetically correct.

Tanya Ford to check with Purdue to clarify the “amount” for solids regarding the holding pond.

26.4 Animal Feeding Operation Development Review

Strictly discusses plan review

Keith Roorbach asked “What is detrimental?” He felt verbiage too vague.

Residential to be deleted.

26.5 Development Plan

1. Anything not covered by APC would be covered by IDEM, per Indiana Codes for closure and reuse.

IDEM does not require development review.

2.b. Needs to change to all “known” orphaned and abandoned oil and natural gas wells.

2.k. Reference IDEM standards.

26.6 Development Requirements and Development Standards

1. a. Delete entire line.

IDEM standards (state definition) 1000’ for public water supply or surface intake supply.

Setbacks 100’ from property line and public roads.

State has no air quality controls.

1.l. Get cost of what a subsurface geological study would be.

IDEM has engineers review all plans – licensed engineer would be inspecting during construction, not review plans.

Dick Treon was concerned about placing these types of restrictions on a specific business. Appears we have no confidence in IDEM.

Keith Roorbach stated that it seems harsh for APC to pick engineer and then tell the applicant to pay for engineer. He feels the county should pay for a portion of engineer cost. He also wants to know what happens if they fail an inspection.

Tanya Ford stated that they must correct and bring up to code before proceeding.

26.7 Procedure for Development

2.v Delete the entire line.

26.8 Lagoon and Pit Installation

No changes requested by Board.

26.9 Monitoring Wells

2.a, b, c Delete all information.

Keith Roorbach questioned who would regulate these rules and regulations. He wants some type of verbiage on what will happen if they fail the tests.

26.10 Changes in the Development Plan

Dick Treon asked if the applicants would have to start back at the beginning, including geological survey.

Tanya Ford stated that the Board would need to consider if they want that or not.

26.11 Revocation and Extension

Add verbiage to provide an extension.

26.12 Conditions and Guarantees

2.c Dick Trobridge feels that it should say “shall” require instead of “may” require.

Karen Owen questioned if we should place a limit on bond.

26.13 Findings of Fact

Findings of Fact are important if challenged in court.

1.f Delete entire line.

Tony Manry asked the Board members if they wanted to vote by sections with a paper ballot or roll call.

Dick Trobridge made the motion for a voice vote, seconded by Myron Brankle. Motion was withdrawn.

Keith Roorbach made the motion for the voting at the October 2nd meeting to be section by section on a paper ballot. Bob Highley seconded. All members present voted yes; motion carried.

Keith Roorbach made the motion for the four people scheduled on agenda five minutes each; sign up list three minutes each with a one hour time limit. Motion was withdrawn.

Dick Trobridge made the motion to give five minutes of speaking time to the four people on the agenda to speak at the October 2nd meeting, and three minutes of speaking time to those who sign up the night of the meeting. Bob Highley seconded. All members present voted yes; motion carried.

Tony Manry told the Board, that the Executive Committee has offered the job of Executive Director to Ken Ellis.

Bob Highley stated that the Town of Sweetser had a dissenting opinion.

Rana Vctor made the motion to hire Ken Ellis as the new Area Plan Executive Director. Keith Roorbach seconded. All members present voted yes, except Bob Highley who voted no, and Karen Owen, John Woodmansee, and John Bonham abstained.

Dick Trobridge made the motion to adjourn the meeting. John Bonham seconded. All members present voted yes; motion carried.

Meeting adjourned at 9:00 pm.

Tony Manry, APC President