

**AREA PLAN COMMISSION MINUTES
OCTOBER 2ND, 2006**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, October 2nd, 2006 at 7:00 P.M. in a regularly 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 Vctor, Mark Bardsley, Bob Highley, Dick Trobridge, Kim Windle, Keith Roorbach, Karen Owen, John Woodmansee, Dick Treon, Vice-President and Tony Manry, President. Staff present was Ken Ellis, Executive Director, Debbie Wallace and Brenda Harrison.

Tony Manry stated to the audience that the procedure would be different than the normal, because of the large crowd. The meeting will start off with the four people who requested to speak and they get five minutes to speak, those that signed up in the lobby will get three minutes when there name is called. The first four speakers will need to sign in at the podium.

Debbie Wallace asked the Board members if they were contacted. Vctor, Bonham, Roorbach, Woodmansee, Brankle, Treon, Trobridge, Bardsley, Manry were the only Board members that stated that they had been contacted about the CAFO.

There were no petitions to be heard at this meeting.

OTHER BUSINESS:

Tony Manry asks for someone to make a motion to continue the Amendments to the Areawide Zoning Ordinance and Wireless Facilities Ordinance to be considered for adoption and the 2007 Meeting Schedule to the November 6th meeting.

Rana Vctor made the motion to continue the Amendments to the Areawide Zoning Ordinance and Wireless Facilities Ordinance to be considered for adoption and the 2007 Meeting Schedule to the November 6th meeting. Myron Brankle seconded. All members present voted yes; motion carried.

Tony Manry stated that after the public speaks they will go through all thirteen sections, and fine tune each section until we are where we need to be. Then we will vote on a paper ballot for each section. Those that don't pass will go back before the board and once all the sections have passed, and then a paper ballot will be done to accept the whole ordinance.

Byron Brankle, P.O. Box 47, Van Buren stated that he wasn't against farmers or family farms, just concerned about factory farms and environmental problems. He stated the Board has a chance now to impact the future of Grant County environmental. The first obligation of the Board is to protect the health and safety of the public.

In the purposed Ordinance Section 27.6 has separation that may endanger the public welfare and safety. The purposed separation ½ mile from a public school, subjects our children and grandchildren to harmful airborne emission of volatile organic chemicals; such as hydrogen sulfide. The same problem exists with the purposed ¼ mile separation from a private residence. He stated that air quality or monitoring regulations do not exist from the EPA, or under IDEM. The EPA is conducting a two year study. This shows that it is an apparent that a potential hazard exists to call for further study.

The purpose ordinance does not contain any separation distances from cities, towns or private residences for the spreading of manure; this is totally missing out of the regulations. This presents the opportunity to spread harmful animal waste adjacent to residential properties. There isn't any reason to continue with short or non-existent separation distances, and subject residents to adverse affects that are not understood. A two mile separation should be established from cities, towns, schools, and food processing plants. If the purposed operation does not fit in such a separation distance, then it should locate elsewhere, that does afford greater separation distances.

The tax revenues brought in from such a facility will not offset the loss of residential property values and the taxes paid by residents. Much harm will be experienced by county residents that will have devalued or non-sellable property. The only gain will be enjoyed by the developers.

The jobs in a new AFO are low paying and filled with migrant workers.

Compelling information and facts were presented by Dr. Prezbindowski, a professional geologist and by Dr. Lori Fuqua, a Grant County physician. Very real risks were stated by both individuals. The risks are not worth the gain for a few and a loss to the majority of Grant County residents.

Don Wright, 1531 W 650 S, Jonesboro. Tony Manry stated that Karen Comer asked permission for Mr. Wright to speak in her place, which was granted.

Mr. Wright stated that he was speaking on behalf of the Grant County Farm Bureau and it membership of a thousand livestock, crop farmers, and agri-business people. They are very concerned about the purposed regulations the Advisory Committee is recommending to the Plan Commission and the detrimental impact these regulations will have on livestock production in this county. They believe the proposed separation distances are excessive. There is page after page of unnecessary criteria that will prohibit the sighting of livestock facilities in our county. If these regulations are adopted by this Commission and the County Commissioners, it will send a strong message that livestock production is not welcomed in this county. To remind our county officials, based on the most recent data, Grant County agriculture contributed shy of \$5 million dollars in property tax revenues to the county's coffers. That is 13% of all property tax paid. Ancillary businesses that support agriculture, such as suppliers of feed, fuel, and supplies, and equipment along with repair shops and other retail outlets all make an important property tax contribution which helps our economy. With all due respect to the Advisory Committee which worked hard and diligently on these proposed recommendations, we have concerns about the geographic distribution of its membership and the lack of balanced representation of the livestock community. The emotions around the proposed site, over rode the realistic and objective criteria that would lead to more sensible regulations of all livestock production. AFOs and CAFOs have unfortunately been portrayed as operations run by villainous and corrupt outsiders who are intent on destroying the environment, polluting our water supply and cause all manner of health problems and ruining our quality of life, forever.

AFOs and CAFOs are owned and operated by farm families, who we know and trust. Many are young farm families.

Mr. Wright introduced several of the young livestock producers of the community: Chris Duckwall, Delbert Turner, Doug Kingseed, and John Stuber. The ability to expand their operations will be harmed if the Plan Commission adopts the regulation that is proposed tonight. Farm Bureau is concerned about the hurdles and barriers that this proposed regulation has for an engineer to inspect and for the farmer to pay for the engineer, and also the distance an AFO can be from a school.

In July, SB6 became law requiring sex offenders not to reside within 1000 feet of a school. We feel that if this regulation is adopted tonight, we feel that you are saying you're more concerned with a CAFO, than sex offenders.

We support realistic regulations of livestock production for the county and ask that the Plan Commission deny these regulations. We believe that the current regulations from the Indiana Department of Environmental Management, Environmental Protection Agency, the office of the Indiana State Chemist, and the Indiana Board of Animal Health, and the current Area Plan Commission regulations are all more than sufficient to make certain that livestock farmers conduct their operation in a way that's good for the environment.

Lori Fuqua MD, 3805 S 900 E, Marion. Dr. Fuqua stated that she had presented a lot of information to the Advisory Committee. She stated that she was disappointed in the Medical community of Grant County, because they weren't supporting her.

She stated that her real concern is the separation of the proposed CAFO and the schools, although the previous speaker stated that a half mile was too much, I have a study published in the Journal of Pediatrics. The consistent trend toward higher symptom prevalence (i.e. asthma) was especially among adolescence with allergies, with schools between two and three miles from a CAFO. She stated to the Committee, that 2 miles would be the minimum and not a half mile.

The regulation is not stringent enough. Our children are our future, and if we don't protect our children, are we saying there not important enough. There are already problems at Eastbrook with the water supply.

Another major problem, and the CDC has Town Hall meeting on this. One presenter was from Harvard University stating these facts: 1). 20,000 people in the United States died of drug resistant infections. The drug resistant bacteria are resistant to 7-8 antibiotics. 2). Over 80% of the antibiotics used in animals are not for illness.

In the study, they tested litters of swine and found they already had anti-body resistant bacteria.

Why is the CDC having committees on nothing but CAFOs?

She stated that she fights antibiotic drug resistance everyday and every medical journal she picks up states not to use antibiotics if it is a viral infection.

David Gerdeman, 6657 Frank Avenue, Canton, Ohio. He stated that he was a principle engineer with Northpoint Engineering. And that he was responsible for the technical portions, of the Department of Environmental Management permit application, for the proposed Friesen Meadows Dairies. He stated that he has been a practicing engineer for 27 years and a registered professional engineer in Ohio for the last 22 years and in Indiana for the last 3 years. He is a qualified expert in the design and construction of earthen waste containment structures, including landfills, and agricultural waste storage ponds.

In the beginning of the proposed dairy project, a subsurface investigation was conducted to determine the soils and ground water characteristics beneath the site. The soil on site was good clay soils well suited for use as a liner for the storage structures.

The Indiana Geologic Survey and Petroleum database has recorded several potential oil and gas wells on site and in process of verifying the location of these wells. Once a determination is made regarding wells on the site, an abandonment and sealing program will be prepared for IDEM, and submitted as part of the application. Any wells that propose a threat to the environmental integrity of the site will be properly sealed.

As part of the IDEM permit application, detailed engineering plans was prepared that outlined the design and construction details of the various dairy components.

One of the latest developments in manure handling that will be incorporated at this site will be using specially designed vacuum trucks to vacuum the manure from the free stall barns and transport it to a reception pit. The manure will then be pumped to a manure press, where the press will remove the solids out of the manure waste stream. The separated solids will either be used as bedding back in the free stall barns or field applied for nutrient use. Removal of the manure solids significantly reduces the odor associated with conventional manure storage ponds. The liquid portion that will come off of the press will be taken to above ground earthen manure storage ponds. This particular site has designed the ponds, as two stage ponds, the initial section

will be used to additionally settle out some of the manure solids. The two earthen manure ponds will utilize both insitu clay liners as well as re-compacted clay liners. They are sized to store 365 days of manure production as well as the precipitation and runoff from a 25 year storm. This is twice the minimum requirement under IDEM regulations.

The construction of the pond will be done under the supervision of a registered professional engineer using field technicians to test and verify that the construction was done according to the plan.

The runoff from the concrete drive areas and the feed pads has to be collected, because it is considered waste water. That runoff up to and including the peak discharge from a 25-year storm event is collected and taken to a separate earthen storage pond, which is designed to much of the same standards of a manure storage pond.

Surface water protection at the site, will be a clean storm water detention basin located along the road. The runoff from the building roofs and the areas, that don't need to be taken to the manure storage pond, will be collected in the culverts and ditches and taken to the clean storm water detention basin and will be used for soil erosion and sediment control measures during construction and post development detention storage. The other aspect of storm water control at the site will be what is referred to as operational storm water pollution prevention plan. This will be required under the IDEM regulations and this particular plan will outline the control measures and operational practices that will be implemented at the site to protect the surface water from pollution, and this is an on going plan that is part of the operation of the dairy.

John Street, 408 S 2nd Street, Van Buren. Mr. Street presented a map of Grant County locating all of the wells known to exist in the county, and some of these are not properly plugged. First duty is to protect the environment for future generations. He stated that they did not have the setbacks from the oil and gas wells, due to incorrect location maps.

Mr. Street read from a letter written by Dr. Dennis Prezbindowski.

“Surface setbacks are considered good practice and should be incorporated in to our planning to protect our environment. I would suggest putting together a list of setback requirements for the surrounding states using it as a guide for your zoning requirements. I would suggest that the Commission err on the conservative side (i.e. when in doubt increase the setback distance). I'm aware of one study that I mentioned briefly in my presentation that looked at the setback distances and the distance traveled at gasoline release sites (gas stations), in a majority of these cases the distance traveled by the contaminated water exceeded required setback distance.

Remember an aquifer is nature's storage and piping system from which we pump our fresh water and should be protected in three dimensions surface directions and vertically. If we expose the people to such great risk as this, I would want to ask what our contingency plan is for our water supply.”

What do we do if it goes wrong? We're taking the risk; we're obligated to tell the people what we're going to do when it goes wrong.

Tony Manry introduced Ken Ellis as the new Area Plan Executive Director.

Kevin Cox, 2555 Marksara Drive, Marion. Mr. Cox stated that he was a concerned citizen and property taxpayer in Washington and Van Buren townships. Across the street from his Van Buren property is the application site. The committee appointed to investigate and advise on this subject has done extensive research on this subject at hand. While the suggestions they have come up represent a significant amount of concessions for everyone on the committee. He stated that he felt that the setbacks to the schools and residences that were recommended are not in the best interest, due to the health, water, and air quality concerns. Because, IDEM does say that the local government is responsible for proper siting. Mr. Cox stated that if he were to propose to the Area Plan, that he wanted to build a subdivision on an 80-acre site, with approximately 2

acres per site and approximately 4 people per dwelling that would be 160 people on 80 acres. The State laws and the County laws and regulation would not allow 40 septic systems to be funneled into an open air lagoon to be pumped out once a year and spread on nearby fields. How can it make any sense to let over 2,000 cows and 10,000 hogs defecate into a proposed 8 acre, 22 million gallon clay lined lagoon, over abandoned oil and gas wells and think that there won't be any environmental and health concerns from this type of setup. If these operations are such a good deal for the community and environment, then why aren't North Carolina and other states trying to keep them? And why are the people in the companies that want them hear push so hard when it's obvious they are not welcome by the majority of the local population. He personally feels that the Commissioners shouldn't issue any permits for these operations; until the Federal EPA has completed their study and know the full impact of these operations. He doesn't think that not having 17 to 30 migrant workers employed in Grant County would have a negative effect on our local economy.

Mr. Cox requested that the finding of the AFO Committee be accepted and embrace the 2 mile setback from food processing plants and from the town limits and consider the impact that AFOs have on the public health and safety of Grant County residents and the environment.

Mary Peiffer, 2731 N 800 E, Marion. Mrs. Peiffer stated that she wanted to make 3 points. 1.) She is certified by the Board of Education to home school her children. According to the legal department of the Board of Education in Indianapolis, she is officially a school. To say that home schools and private school may not be considered for the distance that is determined is nothing less than discrimination. Private and home schools put out a lot of students that go to the colleges in Grant County and these schools should be taken into consideration when determining a distance. 2.) Hydrogen sulfide is emitted from livestock factories along with methane and ammonia. These are contributors to severe human health impacts. There are a multitude of symptoms including dizziness, nausea, vomiting and even blacking out. Children are more vulnerable this is not opinion, but fact. According to the *Encyclopedia Britannica* library under disorders due to chemical agents, it states the serious health risks of hydrogen sulfide, including death. A 2003 USDA study entitled *Manure Management for Water Quality Cost to Animal Feeding Operations of Applying Manure Nutrients to Land* revealed that CAFOs routinely cut corners with irresponsible manure management. The research emphasized CAFOs have been over applying their waste to surrounding land with significant environmental consequences. It also concludes that factory farms have been shifting over 2 billion dollars in environmental costs to rural communities. 3.) The appraisal journal has published information on property value decreases near CAFOs of 50 – 90 %. This is not economical growth, but economic greed and destruction. If the CAFO comes in, many people will leave, many whose families have been there for generations.

Barbara Green, 8490 E 300 N, Marion. Mrs. Green stated that she has always lived in the country, her father was a farmer, and she married a farm boy and still lives on the farm they bought over 40 years ago. She is very supportive of all area farmers who aren't afraid of rules and regulations and who will be willing to abide by them. When the Advisory Ordinance Committee was formed to draft a new ordinance in regards to AFOs and CAFOs for the Grant County Area Plan Commission and the Grant County Commissioners to consider and approve. The committee has worked hard and listened to many professionals give facts and recommendations. Give and takes have been voiced and considered. The appropriated distance from given points has been discussed and is important and needed. All kinds of departments, such as DNR, EPA, IDEM, and more not mentioned. However, not one of them can guarantee that contamination, illness, or even death can not result from a large scale animal feeding operation. No one intends to contaminate water supplies, but even with extra precaution it can and does happen. Remember the recent headlines, pertaining to the California spinach industry, which scared her enough to throw away a new package of spinach.

We have talked details and facts; we have talked about truth and the common good regarding this matter.

In the end we must each ask ourselves questions. How much do I really value my neighbors, my community, and its future generations? To what extent am I willing to compromise my responsibility before God, to love my neighbor, love my community, and love its future generations as I love myself by giving approval to just anything? Is just any place a good location for an AFO or a CAFO? Are some locations too hazardous to consider or should they be avoided?

Richard Schulte, 6277 N 250 W, LaFontaine. Mr. Schulte stated that he lives on 10 acres, and across the road is a proposed waste disposal site. He was wondering who would be checking on the CAFO waste. He was wondering if there were any setback regulations to keep the waste disposal away from residences and their water supplies. Would there be rules for waste disposal according to soil type? He stated that his soil was FSA – a sandy soil with gravel under it. It should not be acceptable for waste disposal sites, but this is a site chosen to place the waste. Mr. Schulte stated that when he built his home 5 years ago, there wasn't enough topsoil before hitting gravel for him to place his septic behind his home, so it went in the front yard. Yet we are willing to accept these CAFOs that are going to dump who knows how many thousands of gallons of waste in concentrated areas. Will there be regulations on how much and how often the waste is applied to a site? He feels that the water supplies, lakes, and streams are irreplaceable and financial gain of a corporation or a CAFO/AFO is not worth polluting our environment and ruining our quality of life or health.

Edwin Blinn, 301 S. Bethlehem Road, Marion. Mr. Blinn stated that he was a lifetime farmer and businessman. He owns approximately 2000 acres between Marion and Van Buren. There is not enough tax money or revenue coming in to support the roads that these companies will damage.

Mr. Blinn stated that he came back from Pulaski County, which is up by Monroe County, and also Newton County. Stopped and talked to several farmers and business owners and asked them about the big CAFOs that had gone in. 6 out of 10 people stated that if they had to do it over again would not want them in; they have been nothing but problems. The county up there has approximately 2 to 3 houses sometimes 4 per square mile. These CAFOs are a problem for some of the people up there. The only ones not having a problem with them are the ones living on them. He couldn't see how people in concentrated areas like Grant County could be expected to have a CAFO next door with no rules or regulations for disposal of their manure, except to take it twenty feet from the property line and dump it on people's back yards so they could smell it until it is incorporated into the ground.

He hopes the County Commission and the Council has enough common sense to turn this proposal down (*inaudible*) CAFOs in Grant County. Let them go to an area where it's not so populated.

Mark Hummel, 1546 N 1100 E, Marion. Mr. Hummel stated that his family owns 300 plus acres in Van Buren Township. He has over 2,000 Grant County signatures that don't want the CAFO, and that should be worth something whether legally or not. It's got to be worth something as voters, or just doing the right thing. Lagrange experienced death of improperly operated and located CAFOs. They had a cluster of women that had multiple miscarriages. One woman lost four children due to high nitrate levels.

This type of factory farming must be strictly regulated for our county. It's not going to be done by the State; IDEM has proven that they will not baby-sit this for us. They have been instructed by Mitch Daniels to put them in, there not going to keep them out or regulate them. All you have to do is do the research on how many violations IDEM gets reported to them, and then ask how many of those violations have been researched and checked out. They don't have the manpower

to look after these, and the number is growing. Randolph County is slated for 12 of these, just the hog barns. And they are behind us in getting regulated, so their in trouble.

Grant County gets its water from the Tays Valley, which is an underground river. We have learned that we have a compromised aquifer by these oil and gas wells. There mapped, there known and we know they're there and now we need to protect them. We can't locate them and this company says that they will take care of any they locate. It states on the map that the scrappers took the casings out, so there not going to locate them. But that doesn't mean there's a conduit there, that's been drilled through our limestone that's going straight to our well water. We've got to keep these out. We've got to regulate were they've spread to.

The taxes they pay doesn't include the subsidies they get paid.

Ed Schmidt, 7237 E 400 N, Van Buren. Mr. Schmidt stated that he was currently a school counselor and has 21 years experience in the classroom with both regular and special needs students. He addressed the Commission on the setbacks for schools due to the health risks to children that could be created by odors from large confined animal feeding operations. A portion of the information comes from a paper written by Dennis McBride, a medical doctor and Director of North Carolina Health and Human Services. Dr. McBride analyzed a total of 10 studies, 5 of which examined the correlation between agricultural odor exposure and stress related illnesses. We know that correlation does not mean causation, so 5 more studies were done, which looked at the pervasiveness of odor in a community and if possible health implications. Distances ranged from ½ mile to 1-1/4 mile, and studies included age, gender, and race. In all cases, physical symptoms were reported; this included breathing problems, burning sensation in nose and throat, headaches and nausea. However, the greatest problem surveyed was with children. This poses additional problems for our schools, especially for special needs children. Studies by Wagner and Addall in 1998 indicated that students with ADD and ADHD, autism, and epilepsy were at the highest risk, and this is due to the stress caused by the odors. A number of behavioral events and with this particular population numbers went up. He asks that the Board give consideration to additional setbacks for schools. If a standard 2 mile setbacks is not acceptable for all situations involving these schools and CAFOs. There are several tools available to determine the appropriate distances.

Kevin Angstmann, 1720 Saxon Drive, Marion. Mr. Angstmann stated that he has first hand experience with a CAFO north of Lafontaine on 850 S. He has friends that live on the northeast corner of that CAFO, and are in a gospel singing group with him, and he visits every Thursday night. It's not a pleasant experience, once you pull into their driveway, and before you can open the door on your vehicle there are a thousand flies on your vehicle. He stated that there are times that he takes the trip three miles around just to come in the back way, because he's picked up the waste that's dropped on the road with the tires of his vehicle, and it's been thrown under the carriage and taken to his home in Marion.

Most of the time when he visits there is a putrid smell and the waste is on the road, or they are hauling rotten feed to the fields to bury it. His friend Kathy loses her voice every three months for a month and they can not go out on singing engagements. Doctors tell her they think its allergies, she is not sure what it is.

Mr. Angstmann asked could there be more health problems coming down the road with the smell and the problems with the CAFO. It's awful, it stinks, and he does know how it is an asset to any community. Why don't they sell and get out? For the simple fact is that no one will buy their property. He hoped that the Board would use common sense in making their decision.

Kim Marshall, 2800 N 700E, Marion. Mrs. Marshall reminded the Area Plan Commission of the many experts, who came and spoke to the AFO Ordinance Committee. Dr. Dennis Prezbindowski gave a very informative presentation on the history of the abandon oil and gas wells that create a unique situation for Grant County. We need to have save guard in place to

protect our water supply. Water is a national resource, that once it is contaminated it is irreplaceable.

She stated that she had a copy of an e-mail that was sent to John Woodmansee from Mr. Don Jones who was a speaker from Purdue with his suggestions for things that should be a part of our ordinance. His suggestions included: require the builder to use a geologist to check for old wells and then plug them or relocate; or require additional protection against leaks such as a thicker clay liner, heavier plastic liner, or use both.

Dr. Fuqua spoke of the health issues, and Alice from the Grant County Health Department spoke about monitoring wells to check for problems with water. It was also mentioned there are problems with the septic systems in the Van Buren area. So why not be proactive and keep tabs on any additional problems that may be caused by AFOs.

Mrs. Marshall used a map, displayed at the June 13th meeting, to show that a large number of residences and an entire town could be affected if a large AFO moved into an area and separation distances were inadequate. Who's to say allowing farms of this size won't create new problems in areas that may already be compromised because of the abandoned wells. Who will be responsible if we haven't done our homework and haven't protected ourselves?

Herschel McDivot from DNR stated that many of the abandoned well records are missing and no one can tell if the wells are plugged. He stated that there is no confidence in being able to locate all of them, the maps are not accurate. If a developer finds an abandon well, they are not legally obligated to notify the State. Although, there are requirements, that an inspector from the State must witness the plugging of the well.

Dennis Lassiter from IDEM stated that the abandon well situation in Grant County, may cause IDEM to add protective measures for AFOs such as an onsite engineer during construction and subsurface radar, but would not always be required, so maybe we should require it.

Another protection is the conditions and guarantees section this is a good way to insure if there are unforeseen problems created by an AFO, the County and taxpayers will not be left to foot the bill.

After attending all the Advisory Committee meetings, she and John (her husband) believed that the committee worked very hard to come up with an ordinance that would protect the county right now and for future generations. They understood the importance of making changes that would update ordinances for new technologies we are facing.

She also stated that they had over 2000 signatures and 71% of the signatures came from county residents.

Sandy Buckler, 3645 N 800 E, Marion. Mrs. Buckler thanked the Committee for all the hard work they done the ordinance. She asked the Board to set aside the economics of this issue, and to think about and protect the people of Grant County. If we don't safeguard our health and environment, what will history have to say about us? She stated that we need to look at the big picture; we are responsible for the next generation. Please when considering this ordinance, with concern to the setbacks and our environment. She asked that we think about our future, and that we must have a two mile setback from towns, schools, and food processing plants.

Steve Hastreiter, 8842 E 300 N, Marion. Mr. Hastreiter stated that he lives a mile away from the proposed site. He stated the he wasn't the only grandfather there and that we need to look at what we will leave to our children and grandchildren in this county, as the gentleman from Farm Bureau suggested maybe Mexico. He stated that IDEM hasn't done a very good job regulating DeGroot. How much paperwork would we have to see on that to know? Who's going to regulate in the county, levee finds, and do inspections; our Health Department? Who's going to pay for the additional cost? We can not count on the State; we can't even count on the State to fix the roads and bridges, and we want to count on them with our water and health. He stated that he wasn't out to ban farming, but to him this isn't farming, but factory work. The best place

in the United States for this kind of operation is in Montana or Wyoming, but not here there are too many people here.

Ken Perkins, 6791 W. SR 124, Wabash. Mr. Perkins stated that there were a couple of issues that needed to be addressed. Everybody wants clean water. One of the issues not addressed is the manure application; most of the complaints about livestock production are about odor. Mainly you don't want them to spread manure twenty feet away from your property. There are different issues with different kinds of CAFOs. Dairy has unique circumstances verses swine. He stated that he was from Wabash County, and they had one of these meetings a while back and wanted to do a moratorium on it. When you draft a regulation, you need to consider the species. When you look at hog production in Indiana, it's done very well. A lot of the data that was cited tonight is true, not from Indiana, but from North Carolina and Missouri. When they did their projects, they had no regulations at all. IDEM has been maligned very badly, and they've blown it with DeGroot. They need better enforcement. We don't outlaw cars because someone speeds, we have better enforcement. We have hog farmers in this county that have been good stewards to the land. Don't paint them all with a broad brush, site selection is very critical. Prevailing winds are a big part of this to. So if you work together with the farming community, and not fight, these people have been here for generations, too. They have grandchildren, and they love them just as much as you do. They drink the water, so they want it to be safe. He said that he wasn't stating not to draft regulations. But look at the species, because there is a big difference in the way manure is handled. There are a lot of regulations on how manure is applied. Manure is too valuable to waste. If you want to have organic food, you can't do it without poop, you've got to have it or it's not organic.

Greg Thompson, 5384 S Strawtown Pike, Marion. Mr. Thompson stated that farming has changed in the last 50 years, just as society has. Look back in Grant County 50 – 60 years ago, and most farmers grew hogs, milked cows, raised beef and chickens. That type of livestock operation is gone now, just like the mom & pop grocery stores, local hardware, corner gas stations, locally owned car dealerships and small equipment dealers. Farming has changed so has State and Federal regulations. Regarding the headlines in Friday's *Chronicle-Tribune*, with additional IDEM inspections. He feels that the proposed ordinance is overly restrictive and will have unintended anti-business consequences.

Larry L. Yeager, PE, 8716 E 300 S, Marion. Mr. Yeager stated that it was awhile since he has been in front of the Commission to advise them as a former paid employee. The Commission did not always take the professional advice given by Mr. Yeager. Any ordinance you put together that would require the advice of a professional that advice is only going to last as long as the council allows you to have that advice given by a professional, if they take that away from you aren't going to have that advice. It doesn't necessarily protect the citizens by not having that professional advice. He stated that he knew the county has tried to hire a professional engineer to take his place, and have not been successful even offering twice the salary he was paid. It's an excellent idea to have rules; those rules have to be based off on specifications that are well warranted and tried and true. Those do not exist in Grant County; there is no meat in the ordinance to fall back on to enforce those rules or ordinances. Unfortunately, you have left yourself open for ridicule, because you don't have anything to fall back on. Let's face it, the Area Plan Commission, their history as far as enforcement of outstanding enforcements that have been going on for 4 or 5 years, that have not been completed is not very good. This is not to indict anyone, and saying your doing a poor job. He stated that he was saying that even with that professional advice, having rules and regulations in place, you still have to have something to fall back on, you have to have those specs that came about. A lot of people put a lot of hard work into the proposed ordinance, and excepting it the way that it is, is probably not going to work for you. He stated that that was opinion, and not professional advice.

Jon Bomberger, attorney with Baker & Daniels, 111 E Wayne Street, Suite 800, Fort Wayne, IN 46802. Mr. Bomberger stated that he was at the CAFO Committee meeting regularly and represents Weaver Popcorn Company. Weaver Popcorn Company has been in business for over 78 years, and 45 of them have been in Van Buren. Weaver Popcorn Company is an agricultural company, and supports agriculture. Weaver has 379 full-time employees, 280 seasonal employees, and 45 additional contract employees. Most are located here in Grant County. They at any one time have 150 million pounds of popcorn located at that facility. That popcorn is processed, packaged and shipped from Van Buren to 80 countries around the world, as well as to locations in the United States. Their investment in Van Buren is substantial, and they have a multimillion dollar facility located in Van Buren, and their investment in Grant County has been demonstrated. This facility is subject to regulation of the Food and Drug Administration (FDA); therefore, they are concerned and must protect our investment with regard to the issue of adulteration of their product. Their product which is processed, packaged, and shipped from right here in Grant County. If in the course of their business enterprise, their product, their packaging is determined to be adulterated, they will suffer the risk of substantial harm. Their product on site can be subject to destruction, and on commerce can be subject to recalled. That can place at risk the jobs and investment they have in Grant County.

As a result, they are very interested in and very much been a part of the CAFO ordinance. He stated that he was there to address one issue, which is the two mile food processing setback, which they have abdicated throughout the proceedings. Because of the risk of harm and the devastating impact that such an adulteration finding by a Food and Drug Administration inspection they are here and abdicating the two miles. They started first looking at a University of Minnesota study. That study from their agricultural extension service indicated to us that a three mile radius was appropriate. In their discussions with the Committee, and in abdicating for this, they went to an expert, and had an expert opinion prepared. The expert opinion not only backed up their determination from the University of Minnesota study, but also stated that at minimum there must be at least two miles of a setback from a food processing facility, that being a facility large enough to be regulated by the Food and Drug Administration that it be done.

Mark Alexander, 5585 N 700 E, Van Buren. Mr. Alexander stated that those that want to locate their CAFOs here and those that already have them here; his comments come from moving to the country and finding out two weeks later that a CAFO would be locating to within $\frac{3}{4}$ of a mile. This was after his wife and he had decided that living in North Marion for three years, they liked the county and the community and wanted to establish roots here with their children and hopefully with their grandchildren and their children. Once he found out that the CAFO was potentially locating in the area he started to do research, reading articles, speaking to those people that were more knowledgeable than he. His main concerns are water and air quality. What happens when there is a problem, do the CAFOs carry bonds to cover spills and insure proper clean up? Are they protected? Are they protecting his investment in his home and his families' health?

Will we be surprised when businesses do not want to locate here? He was not born in the county, nor was his wife. He is employed by a business in the county and chooses to live in the county currently. If this continues he probably won't be in the county much longer.

When people are traveling through Grant County on I-69, which is east of where most of these would be. What will be their impression? Will we be known as the stinky county, because of the concentrated manure ponds or pits? What would be the long term impact on Grant County?

His concern is to be able to have a sustained liability for his children and his self. He could as easy live in Noblesville or Fort Wayne as many of his colleagues do and travel into Grant County to work. If that is who we are courting, let him know soon so he can place his home on the market. He stated that his wife will probably not want to stay here. It will be hard to have and draw people in. He stated that he wants to raise his children there. The answer to these

questions will determine whether our family reconsiders their decision to put down roots in this community and will impact people planning to locate here as well.

Bob Jackson, 789 E Old Kokomo Road, Marion. Mr. Jackson stated that he has a 600 cow dairy. He is concerned with some of the rulings. The two mile thing could probably take us out. He stated that he and his wife, two sons and two grandsons have been there for 50 years. They hoped that this would be their future and his retirement. There are some things that worry him a little bit. He stated that they are in a catch-22; he was already working towards getting an IDEM permit to put in a bigger lagoon to handle the manure the more the way they wanted to. His understanding is that they are grandfathered in right now, but when that comes up they would no longer be in that. He stated that he couldn't afford to pay for an engineer onsite; he has already paid \$22,000 for engineering and soil testing. He stated that he doesn't feel they could handle any more expenses. They are close to Jonesboro and Gas City. He has spoken to people in both towns, and nobody seems to have a problem with them. He is really concerned with some of the rulings, as they could wipe him out.

Kathy Lawson, 0163 N 500 W, Marion. Mrs. Lawson stated that she lives less than ½ miles south of the Sweetser town limits. She and her husband built their home there 30 years ago, on one of their families' farm. Her family owns approximately 500 acres in this area. Knowing the proven health risks and environmental problems associated with the mega CAFOs, she urges the Area Plan Commission to vote for a two mile setback from mega CAFOs to the incorporated cities and towns, schools and food processing plants. Her concern is with all towns and cities, but knows the Sweetser area best. She feels setbacks less than two miles would harm the growth and development of Sweetser. It would increase the health risks for all residents of Sweetser. Sweetser has a retirement community called Suite Living, and some of these residents already face health and aging problems. The children at Sweetser Elementary School must also be protected from these risks. She asked the Board to do what is best for the residents of Grant County and vote for a two mile setback.

Kent D. Harvey, 5644 E 200 S, Marion. Mr. Harvey declined to speak.

Les Korporal, 754 S 400E, Marion. Mr. Korporal stated that he is the owner of Modern Machine and Tool, 621 S 1st Street, Van Buren, or commonly known as the corner of State Road 5 and county road 400 N. He stated that his business is located at least 1-1/4 miles from the proposed dairy and 300 feet from the field where the manure will be spread.

A year ago he bought the land of the former Conservation Club, and built a new building for his business. Since then he has hired four new employees, and currently has fifteen.

In September of 2005 he came to Area Plan to change the zoning on the new property, and was required to explain why he was planning to do so, so he would not jeopardize the value of the neighbor's property. He had several people from the town come and support him for the project, and the zoning was changed. He feels that his business has been good for the community of Van Buren.

But now one year later, there is a situation where the neighbors don't want this dairy, and property values will be devastated. He stated that if this goes in, he will regret investing more than a half million dollars in Van Buren.

He stated that his employees mostly live in bigger towns such as Marion, Hartford City, and Huntington, and do not like the fact that they will be working this close to manure. These are city folks and are not use to country smells. He stated that he has a hard time locating skilled trade employees, and if he loses these employees it will devastate his business.

So far this seems to be a small town issue, but what if this was to be built near one of our interstate exchanges that our leaders have for years been trying to expand. Will nice restaurants and businesses come? He stated that he doubts it. We can not allow one operation of this to ruin what so many hard working families have built. He cares about Van Buren, and the future

of Van Buren. He can not see how this risk involved for future generations would be worth it. Common Sense is all it really is.

He stated that he is familiar with the dairy near Treaty, spoken of earlier, and it is an 800 cow dairy.

Ed Squiers, Earth & Environmental Science – Taylor University, Upland. Mr. Squiers stated that he is a 31-year resident of Grant and Blackford counties. He teaches at Taylor University, and directs the Environmental Science Masters Program. He stated that he was asked by some of his colleagues to look into this. In hearing what's been said, it reminds him a little of training in the military, when he was going to NCO school and becoming a staff sergeant. He was taught that if you were going to teach somebody something to tell them what we were going to tell them, to tell them, and to tell them what they already heard, so they would finally remember it. He stated that the third one was his job here tonight.

Mr. Squiers stated that he was going to talk about four myths, and that he couldn't cover it all because there wasn't enough time.

1.) Opposing confined animal feeding operations is opposing farming and farmers. Nothing could be further from the truth; CAFOs have little to do with the common family farm. Unlike family farms which are the cornerstone of Indiana's rural economy and social fabric, CAFOs are large scale industrial enterprises that answer largely to absentee owners and corporate board with little or no incentive to address the serious environmental and health problems they impose on their immediate neighbors and the entire community.

2.) Housing values will not be affected by CAFO odor problems. Research has clearly shown that housing values will decline significantly in the vicinity of CAFO operations, in fact in most cases; if CAFO operators actually had to compensate owners for losses in property values they wouldn't be able to make a profit in their business at all. The property value loss, and therefore the tax base loss, would exceed the profits made by the CAFO in most cases. In short there will be large economic cost, and will be born by the neighbors of the CAFO and they will pay those costs largely in the decline of the value of their home. In many cases, that means they can not even choose to leave.

3.) CAFO odor is just a nuisance, a bad smell and not really harmful. Research has clearly shown that numerous CAFO waste contribute to odor pollution. Even at low concentrations, they can cause health problems including serious gastrointestinal stress related problems and severe respiratory problems by interacting with the human brain and other organ systems. In fact, this smell can actually make you sick, not just think your going to be sick. The negative health affects that can occur when odor is even below what you can perceive by smelling. You can be out of range and no longer smelling it, and the chemicals are still in the air and will cause health affects. So, even when you can't smell it, it can be doing serious damage.

4.) Setbacks – 3 miles, there lots of evidence for it. He can understand why rural communities can be interested in supporting local farmers, but he can't understand why any Indiana farm community would support a CAFO with the rise in the possibility of E85 – Ethanol production being the support we need for our grain farmers.

Sarah Simpson, Program Manager for Regulatory Affairs for the Indiana State Department of Agriculture, 101 W. Ohio, Indianapolis. Ms. Simpson stated that she was there representing the ISDA to offer Grant County tools to assist in making fact based land use decisions and to provide a factual assessment of the proposed ordinances impact on all Grant County livestock producers. She stated that she was not there to offer ISDA support or opposition to this proposed ordinance. ISDA will support whatever decision Grant County makes on how best to balance the land use need of the community. She also stated that she wasn't there to support or to oppose the Friesen Meadows application specifically.

With the help of the State's GIS experts, we have created a series of maps which show the impact of the proposed ordinance.

Shows maps to Board, and asked them to keep in mind that the light gray area is the area available for livestock facilities after applying each proposed separation distance. The colored areas would be excluded under the proposed ordinance, and in addition the total acreage of Grant County is 264, 960 acres. The separation distances will increase in size when measuring from the perimeter which means there will be slightly less land available for livestock production than she is showing on the map.

1.) This map shows the geographic area that is excluded by the 1000 foot and 2 mile separation distances from the corporate boundary of any city or town. The yellow shows area excluded by the 1000 foot separation distance and the red shows the impact of the 2 mile separation distance. The total acreage excluded if each city or town chooses 1000 feet is 29339 acres or 11% of county's total acreage. The total acreage excluded if each city or town chooses 2 miles is 164200 acres or 61% of county's total acreage.

2.) This map shows the geographic area that is excluded by the ¼ mile residential separation distance. The total acreage could not be computed because it was more than the capacity of our GIS system to geo process the data. However, you can see that much of the county's acreage will be excluded by this part of the ordinance.

3.) This map shows the geographic area that is excluded by the ½ mile separation distance from schools. The total acreage excluded by this separation distance is 13552 acres or 5% of county's total acreage.

4.) This map shows the geographic area that is excluded by the 2 mile separation distance from food processing plants. The total acreage excluded by this separation distance is 16035 acres or 6% of county's total acreage.

5.) This map shows the geographic area that is excluded by the 55 foot separation distance from a hundred year flood plain. The total acreage excluded by this separation distance is 12289 acres or 4.5% of county's total acreage.

6.) This map shows the geographic area that is excluded by the ¼ mile separation distance from a public water supply. The total acreage excluded by this separation distance is 103278 acres or 38% of county's total acreage.

7.) This map shows the geographic area that is excluded by the ¼ mile separation distance from public parks and recreation areas. The total acreage excluded by this separation distance is 13886 acres or 5% of county's total acreage.

She stated that she hoped the information presented this evening was helpful. She reminded the Board that the ISDA will support Grant County in whatever decision it makes.

Several members of the Board wanted to hear more from Ms. Simpson regarding the ISDA information. Tony Manry stated that if they wanted to increase the time for Ms. Simpson a motion needed to be made.

John Bonham made the motion to increase the time for ISDA. Keith Roorbach seconded. All members present voted yes; motion carried.

Tony Manry stated, to Ms. Simpson, the Board was giving her another 3 minutes and asked her if she could cover it all in that timeframe. Ms. Simpson stated that she could.

8.) Now if we put it all together, this map shows the cumulative effect of all proposed separation distances, assuming each city and town chooses the 1000 foot separation distance. The total acreage excluded is 213154 acres or 80% of county's total acreage.

9.) This map shows the cumulative effect of all proposed separation distances, assuming each city and town chooses the 2 mile separation distance. The total acreage excluded is 236923 acres or 89% of county's total acreage.

10.) This map shows the effect the proposed ordinance would have on existing State regulated farms in Grant County. Farms that hold a CFO or CAFO permit. Existing farms within the orange area will not be able to expand under this ordinance without receiving a variance. Keep in mind this map does not include smaller farms within the orange area that may want to expand to a State regulated size in the future to remain profitable.

She stated that she hoped the information presented this evening was helpful. She reminded the Board that the ISDA will support Grant County in whatever decision it makes.

Mark Townsend, 3081 N 100 W, Hartford City. Mr. Townsend stated that his ancestors settled in Blackford County in 1839 and have farmed in Blackford and Grant counties now for almost five generations. He is 51 years old, except for the six years he spent at college and graduate school, has raised hogs all his life. He stated that they presently have two CFO units in Grant County, one in Jefferson Township and one in Monroe Township, and also has 3 more units in Blackford.

Mr. Townsend stated that he is in the hog facilities almost every day of the year. He stated that after hearing some of the suggestions about unhealthy livestock. He said that he feels darn lucky that he's here.

Mr. Townsend stated that he served the past several weeks on the Advisory Committee. On the night that the group was formed, he remembered one of the Board members asking him if he could see the big picture. He said that he thought it was a fair question and one that now turns to the Board. Part of that big picture is the trend in livestock numbers here in Grant County over the past several years. According to the census of agriculture in 1974 there were 18,954 head of beef cattle in this county, and in 2002, there were 4571. In 1974, there were 62700 head of hogs in this county, and in 2002, there were 22111. In 1974 Dairy was 1550, now 892. So in a span of 28 years this county has lost 67% of its total livestock numbers. Currently IDEM regulates 20 farms in this county in contrast IDEM regulates 103 in Wabash County. Now consider this, Grant County and neighboring Wabash County is almost the same size geographically. They both have similar numbers of crop land acres, and both produce about the same amount of corn and soybeans. Yet, Wabash County has 30 million more dollars in total farm income than we do, and that is strictly because of livestock receipts.

The actions you take tonight will impact not only those of us, who raise livestock in this county, but also impact the future of those who may want to locate here. Public policy should be developed very carefully and with due deliberation, fear and emotion should not be a part of that process. In regard to the proposed dairy, prevailing winds in this area from the southwest, the proposed site is 1 mile southwest of Van Buren. He doesn't believe that location is the proper one for that many cows on that small of acreage and that close to town.

He does believe there is a suitable location for the dairy in Grant County and give the importance of livestock to our economy; he is convinced there should be a place for animal agriculture as well.

Ron Thurman, 7483 E 300 N, Marion. Mr. Thurman stated that he also served on the Advisory Committee with Mark and some of the others. One of the things they talked about is the town and the setback. He stated that he had a family CFO that was a mile and a half from Van Buren and when they pumped out their pits and stuff, they produced a lot of odor from that. That is why he was for the two mile setback from town.

On his land, he is able to have an animal feeding operation still with these setbacks. The maps are deceiving a bit, because the family kind of lives there together. There will be two or three family farms there close together, and that's why they're able to survive.

He stated that the Board should accept what the Committee done, as it is.

Jan Sullivan, 2953 E 450 N, Marion. Mrs. Sullivan stated that she has lived close to Washington Township School for 45 years. She stated that she didn't come prepared with a statement, but there were some things that she had been thinking about.

Mrs. Sullivan stated that she certainly wasn't against farms. It seems like there should be away for existing farms with livestock to continue within boundaries as was stated earlier. She wonders about the air quality, which has been mentioned, and the wells and water supply. Someone had mentioned that the people that own them will not be living on them and drink the water. She stated that there has been a lot of development out by I-69 and SR18, and someone spoke about the odor there. She didn't think that they would want that.

Weaver Popcorn that says it all. She stated that she lived close to a CAFO in Lemoore, California; the smell was terrible for the whole town.

She stated that if Mr. Townsend has had all of those big operations and no one has complained, then he should be able to continue.

The children mentioned by the doctor in those studies, should be important.

Cathy Thurman, 7483 E 300 N, Marion. Mrs. Thurman stated that her husband just spoke and he was a member of the Advisory Committee, so she has lived this with the rest of you since April.

Part of her problem with the big dairy operation outside of Van Buren is that they chose to build a house there about three years ago on part of their farm. Nobody came knocking on their door saying "Hey Mrs. Thurman, We're thinking about putting a big dairy in your back yard." This 8-acre lagoon is 1,898 feet from her back door.

Mrs. Thurman stated that they were told in June in a meeting that they needed to keep communication open, but how do you communicate with people that don't have the common courtesy to come to these 34 homes that surround this dairy and don't tell you anything, and then they are rude to you in your face, because they don't understand why you don't want this. There are roughly 55 people in her community, and most of them are here tonight, that have a letter from IDEM that clearly states it is up to your local zoning officials to determine whether a site proper. You have heard several people speak tonight and say they don't feel this is a proper site, including many of them on the committee.

She asked the Board to accept a least the recommendations that the committee has set forth in this final draft.

Steve Palmer, 9936 E 200 S, Marion. Mr. Palmer stated that he was a farmer in Monroe Township. He stated that he was here tonight to speak in support of our livestock industry. Livestock has been here in this county, since the beginning of our county. CFO have been in existence in Grant County for over 40 years and currently we have over 20 CFOs and CAFOs in this county. He has not heard a lot about what has happened in this county with the local farmers. But the rules set forth in this ordinance will directly affect those local farmers. According to the US Census, this is almost like what Mark was talking about, in 1987 there were 54,700 hogs and in 2002 there were just over 22, 100 that is a loss of 32,600 hogs in 15 years. This is a hog crisis that happened in our farming industry and a lot of farmers had to go out of the hog business. Farming and things change over time. There are now hog contracts available to local farmer to expand their hogs. After decades of decline we can actually gain some of our hog numbers back and get some of our lost agricultural jobs back. An AG zone should be for agriculture, including livestock. Our setbacks need to be reasonable, so that our farmer can continue to exist. Out of those 20 operations, maybe one or two does not fall within the circles of the proposed ordinance and would come under much more strict rules than they have now.

Kevin Glaser, 2804 N 800 E, Marion. Mr. Glaser stated that he has been out of Marion for at least four years now. He stated that everyone in the county has spoke better than he could as far as what's going on with this situation. The only thing he could ask for the Commission, when you look at what Grant County is all about with a community that's out there and the supporting neighbors. When you look at the school situation, he asked the Board to vote with their conscience. Would you like that lagoon in your backyard? Their within that mile radius of

where the proposed site is at, and all he requests is that the Board vote with their conscience and support the majority of the people in the county.

Susan Angstmann, 1720 Saxon Drive, Marion. Mrs. Angstmann declined to speak.

Craig Bright, 713 W Wharton Drive, Marion. Mr. Bright said that the only question he has is that the proposed setbacks could pertain to both the CFOs and CAFOs. Tony Manry answered yes.

Then following some of the other comments, another concern he has with the proposal and the current setbacks that you're looking at is; how will they affect Mr. Jackson? Will the proposed rules be burdensome and over regulating for an existing operation wanting to expand? He agrees with Mr. Townsend that it is not a very good site for that dairy, but he thinks there is a huge difference that were putting an umbrella over all operations. There are opportunities for some young individuals to get started but there not mega-dairies.

He had another question regarding the adoption of the two mile radius/setbacks. If a farm goes out and gets into a proper area and you have a two mile setback, the farm is following all regulations and is there, does the two mile buffer work the other way? Tony Manry stated yes.

Mr. Bright asked if they have effectively limited any development going from the town out into the country. Some neighbors are just starting to think about the setbacks and are asking if they have just limited their farm from any future development. He stated that he hoped there is some negotiating room in there for someone coming in and wanting to expand existing operation, if you've got someone who already has hogs and it economically will benefit the small family farm lets not make it impossible for them to do that. There is a huge difference between this dairy and some very good farm families operating in this county, lets not lump them altogether. And use some common sense when looking at the setbacks, and let's try to take care of our local people.

Jeff Harts, 905 Jon Court, Converse. Mr. Harts stated that he wanted to talk about sociological and economic impact of green space management. What is green space? How much is sufficient for an individual without affecting that individual's cost of living in today's dynamic society. What did we all have for breakfast this morning, did anyone have cereal with milk? Eggs? Sausage? Ham? What about lunch, hamburger? Ham sandwich?

According to Dr. Larry Boll, former Agriculture Economic Professor of Purdue University. Economically speaking there is no such thing as a free lunch. Today the United States produces and provides the safest food in the world, while providing it more economically than any other country. The average US family spends 11% of their disposable income on food, while the Japan spends 40-45%. We all agree that it's a privilege to live in a free country, and our freedoms exist not because of who wins or loses in debates such as this, but because people in the United States have traditionally figured out ways to co-operate with one and another to satisfy for the common good. He stated that we must find a way to manage the emotions spoken tonight and become objective, as decisions we make will dramatically effect all of us; however they do come with a price tag. The cost of green space equates to what you as an individual, in society are willing to pay for the geographic freedoms that you enjoy. If this particular ordinance is pasted that says that the residential home owner in Grant County would be willing to carry the additional tax burden that would be shifted due to decrease value in agricultural real estate, thereby taxed at a lower tax rate. We must consider not only the property values of home owners, but also the property value of real estate. This ordinance is proposed makes farm real estate a limited use property. The farm ground in this county would now only be used for row cropping, therefore worth less money and taxed at a lower rate. There are luxuries for living in the country without the fear of an AFO in their backyard. This potential tax burden shift comes at a time when Grant County has over 1100 homes on the tax sale list, and trying to recover from being one of the highest unemployed counties in the State. The other tax burden that must be absorbed is the increased cost to the county by implementing this proposal, if it is passed. The Area Plan will possibly need additional staff, and the staff moral will be negatively affected do to

a heavier work load, as well as other increased cost to govern the additional regulations as imposed. When considering your vote on the ordinance this evening, he asked the Board to be objective and consider the ramification to Grant County's economy and the future of agriculture in a county that has traditionally and recently had an outstanding record of co-operation between municipal and rural communities. Please ask yourself "what are you willing to pay for lunch in the future and where do you want to buy it from."

Brian Daggy, 10573 W 550 N, Thorntown, IN 46071. Mr. Daggy stated that he is one of the consultants for the proposed dairy project, and is from Boone County Indiana, and has been working with permitting and consulting compliance issues on livestock facilities for the last fifteen years.

He reviewed some of the item requirements from permit a facility like this or any large livestock facility must obtain from IDEM. The permit is essentially a zero discharge permit, that means all manure, waste water, and potentially contaminated water must be contained and held on site and then handled as manure contaminated product for land application. Any water leaving the site must meet State water quality standards. In addition under the permit the State requires a storm water pollution prevention plan to insure that the discharge of any water is only clean water, that plan requires testing requirements to insure that it's working properly. The State also has numerous requirements for land application of manure; some of those are setbacks for land application; soil and manure tests, which are then used to calculate the agronomic rate of application. He emphasized that the rate of application is controlled and it is reviewed by IDEM and can be no more than what the crops will utilize during one growing season. In addition the State requires a documentation of the field tiles in application fields. Rainfall records must be kept before, during, and after land application events. There must be records on where, when, and how much manure must be kept for a period of five years. All of these are designed to prevent runoff in any offsite of manure or contaminated water.

The facilities under the proposed dairy are designed to meet and exceed the current State standards. Their design to protect surface and ground water. He stated that the Board heard from their engineer earlier, and he is very comfortable that their soils, surveys, testing, and engineering are going to do an excellent job for protecting ground and surface water.

In addition, he digressed a little, and complemented IDEM, he has heard a lot of negative thing in the past few weeks about the kind of job IDEM was doing. Need to recognize that in the last ten years IDEM has crippled the staffing level in this program, and that IDEM does do inspections and follow ups when they get complains, and does do a good job of following up and enforcing regulations. In addition, the requirements in this permit concerned him, when the concerned the local engineering reviews of the design, soils, and geology. This seems redundant in the overall process. Asked the Board to utilize sound science in decisions and remember that your decision will impact all livestock producers in this county not just the proposed dairy.

Barbara Denham, 5835 N 800 E, Van Buren. Mrs. Denham stated that she had a 900 head swine operation within ½ mile from her home. They have proposal for another 1500 head within the same mile of her home. It has not been a very nice experience, when this was first proposed she objected to it. She was told that this wouldn't bother her, and that she wouldn't know its there. Everyday she knows its there. She has seen manure spread within a ¼ mile from her home, blown out of a lagoon with big hoses. She has seen, and has pictures of it, but nobody's interested in seeing her pictures. Its blown directly into little black creek, and nobody seems to care. She doesn't see any kind of repercussions for breaking the rules; nobody wants to know about them breaking the rules. She is asking that the Board to go with this 2 mile setback, and do impose some kind of punishment for when they don't follow the rules.

Daniel Klepser, 7785 E 125 N, Marion. Mr. Klepser stated that as we've all heard this evening, there are many issues that have been brought up over this process. There are also many issues that have not been addressed. Mr. Daggy spoke about how IDEM has been doing such a good

job. It doesn't seem that in all of the discussions there have been over this time, that they haven't done as well as Mr. Daggy stated. He asked that each Board member consider when making the regulations that they consider what they want to do for their own families.

He stated that he grew up on a farm, and knows what farm life was like. It wasn't like a factory like these factory farms. They talk about how that their trying to make the lagoons hold a 25 year rain episode. What is this county going to do and have you considered what kind of things your going to do to deal with this if something goes wrong? This is being considered, because for the most part it's thought that it's going to be alright. What if it isn't alright? The county doesn't have the funds to go after all this, IDEM contrary to some opinions doesn't police it as well as they say they do. We have all of our children, grandchildren, and great-grandchildren to think of. He asks that the Board at least use the two mile proposal for the towns, and the schools. What's going to happen if this two mile limit for the popcorn factory isn't enough and their and their popcorn is compromised? Are they going to sue the county?

He stated that he wasn't against farming, as he stated before he was raised on a farm, but he thinks that this something that Grant County does not need. Also, the AFOs and the CAFOs are quite different. Last week when we were in this meeting and he listened, the Board was talking about regulations for pools, these lagoons are not pools and he wouldn't want to swim in them.

Betty Waggy, 924 N Mills Street, Fairmount. Mrs. Waggy stated that she was raised on a farm, and milked cows and shoveled manure, and knows what the smell is. What she can't figure out is they're putting a 2000 head thing by Hartford City; they have them in Southern Indiana, and over in Ohio. They're supposed to produce so much milk each of them. Who's going to buy all that milk? Everybody's got milk now. What they're planning on doing is to put the small farmers out of business. We farmed forty acres, and her father had to work in a factory. You either do it big or you don't. She had heard that it was foreign countries coming in and doing it. They have taken our toll road for 95-years, what are they going to charge over that? They've opened up to Mexico; they can use all of our roadways. She stated that she use to work at RCA, they took all of our jobs to Mexico, India, wherever.

She stated that the Mississinewa River has an underground river. What are the children going to do?

She stated that she was worried that people are coming over and taking our country over. The Mexican come up to California and has their babies, their babies are United States citizens and are able to stay here.

She doesn't know what's going to happen to the people here in the United States, she's really concerned about it.

Christine Endsley-Mieher, 6580 E 600 N, Van Buren. Ms. Endsley-Mieher stated that her family has been farmers from way back, over a hundred years, and living within ½ mile of each other and Chris Duckwall's proposed hog farm. She stated that her father Gary and she had put her twelve years in as she did at Eastbrook, before going to Purdue for an Animal Science degree, worked on their hog farm, which was a semi-confined operation with the faring and the nursery, for many, many years. And they did not have problems with runoff, did not have problems with management, her father was a good manager of the farm. The most hogs they ever raised were 1200 head in a whole year. Some one that is very intelligent and a very good farmer, that's pretty much their limit.

She stated that she works at a large Fort Wayne hospital as a microbiologist. What they do there is grow bacteria and help our physicians in our facility and in our surrounding facilities, which is a very large network in Fort Wayne. To help our doctors to treat our patients with all the unbelievable bacteria that they are bring to us both from our communities and some are hospital acquired. As each day progresses, we almost literally get worse, and worse organisms, that have more and more antibiotic resistance. The doctor before mentioned eight antibiotic resistant organisms, there are a bunch out there called ESVL, that are resistant to every antibiotic known

to mankind. This includes certain strains of Ecoli and several others. These are gut or intestinal flora that each of us harbors, but when turned bad by different environmental stimuli, such as manure from CAFOs or what have you, it a very bad thing. She stated that she wanted to think that all of her neighbors, friends and family are not going to be hastened to an untimely death, because of the nearby CAFO. We also have the old oil and gas wells close by, very close by, and actually some of them are approximately 15 or less years old, from her family. And they are very close to where Chris is proposing, less than a ¼ mile away. Please at the very minimum accept what the Committee has proposed.

She stated that she has a 5-year old in kindergarten at Van Buren, and she has a lot of her family living near her. She pleaded not to make her sell her home that she had been working on for a long time.

Peter Van Der Veg, 1052 E 145 N, Angola, IN. Mr. Van Der Veg stated that he came over seven years ago to build the Lost Dairy family farm in northeast Indiana. He came over with the same reasons why your ancestors came over a hundred and fifty years ago. Land of opportunity is what this country makes to immigrate. He stated that he loves it over here, and is a great country in doing business. He stated that he hears a lot of fear and emotions tonight. He hears a lot of facts and not fact. We talk about Ecoli; the United States has the safest food on earth. We already know it is the cheapest food on earth. We are already depending on foreign oil, how would you fill if we had to depend upon foreign food?

The Ecoli happened in California, and is traced back with in a week. What would happen if we have to trace back to some third world country with no traceability?

The United States milk market is not big enough to provide itself. Last year we imported 2.6 billion dollars on dairy products, and exported 1.6 billion dollars, so we are 1 billion dollars short on dairy products. So if this ordinance is approved tonight, it means no livestock in Grant County. He hopes a decision will be made tonight based on facts and science, and not on fear and emotions.

Mr. Manry states that all of the speakers have been heard this evening, and that we will take a ten minute break.

Mr. Manry states that the public input has ended. There has been a lot of good input this evening. A lot of emotion input, and some new facts brought up, and some legal questions brought up. Mr. Manry asks Mr. Ellis to speak.

Mr. Ellis states that what he would like to see, based on the publics comment, based on questions that have been brought up. He personally thinks that this Commission needs time to mull over everything that they have heard and to give him an opportunity to speak with the Plan Commission Attorney on a couple of issues and asks that meeting be recessed and continued at a later date.

Mr. Trobridge asked what issues were to be discussed with the Attorney.

Mr. Ellis stated the first is he was interested in were the cessation of permits and what the timeline is and can it be extended. This is so you're not put in the bubble where you have to make a decision tonight or within the December 13th time period or can that be extended if you need more time. The second question he's interested in is the definition of grandfathering. Agriculture non-conforming uses and how they are impacted by this ordinance if it were pasted. The third thing he is interested in is what would be the impact upon the municipalities, if the municipalities decide to reject the ordinance and/or portions of the ordinance, and if they have an issue with the setbacks. How that would be procedurally dealt with. Lastly, he stated that Bruce Elliott needs to be here. He stated that he didn't like to be in a room full of attorneys and not

have his attorney there. The last thing he wanted to ask Bruce was to give me a date and for him to be here. Those are the four issues he has right now, and hasn't had much time to think of more than that.

Mr. Brankle stated that he thought most of the members were ready to finalize the issue this evening. The fact that there was no manure application in the ordinance was disappointing to him. He stated that the major item needed to be voted on were the setbacks, and personally the major setbacks need to be used for cities, schools, towns and residents. Mainly because we don't have any manure stipulations or rules in the ordinance.

He stated that all of the local farms, right now are good applicators, at least 95% are. It would not effect, but if we had somebody come in and we had close setbacks, they could apply manure near the new Indiana Wesleyan APS building, on the other side of the by-pass. The local farmer would not do that that lives in the area. This is the main reason we need to adapt or adopt the major setbacks tonight. He stated that he didn't see a reason to extend or delay it. The overlay and everything else that we have is a mute point. He doesn't think that it requires a lot of discussion and thinks we can wrap this up. We have heard from very reliable sources, and this undoubtedly is one of the most critical issues that Area Plan has ever faced in the history of this committee. Mr. Brankle stated that we have to move the politics out of this; the politics has got to go tonight. We need to adopt some rules that will protect the residents, the schools, the towns, and its time to do it. We've delayed enough; we've worked hard on this ordinance committee and it time to get on with this.

Mrs. Owen stated to Mr. Brankle that she knows the people on the Advisory Committee are sick of it, but she stated that she has heard some new things that she would like to have at least another week to think about.

Mr. Brankle asked what she needed to think about.

Mrs. Owen stated that there has been a lot of information given to the Area Plan staff, like Dr. Squiers report and things like that. Those on the Advisory Committee have had access to a lot of the information for a long time, and she would like to see what the rest of it is.

Mr. Brankle stated that is why you were invited to the ordinance committee. All the members here have been invited to the ordinance committee. How many members visited a CAFO?

Mrs. Owen remarked how many of us are working and couldn't go to the Advisory Committee meetings. That's why I didn't volunteer to be on it anyway.

Mr. Brankle stated to Mrs. Owen that she went to a CAFO, and how many on here have. We're going to decide the future of our school kids, the distance, and the residents of Grant County tonight. He doesn't see where there's anything else to be discussed.

Mr. Roorbach states that due to the nature of this that was just described, how important a decision this is. For us not to have our attorney to look at it, for a document that could be challenged in court, would be foolish of us to attempt to vote on this without it being looked at and consulted by our attorney.

Mr. Brankle stated that we could vote on it and then have him review it after it voted on.

Mr. Bonham stated that this is a very important decision. It is one that you can't let externals force you to make, like a deadline of time. He stated that he had a good trig teacher that always said to check his answers twice, to be able to prove what he had. To hear information given tonight, valid or invalid, takes time to check as far as he's concerned. He stated that we have move towards separating ourselves from a dairy in Van Buren to a county ordinance. A majority of the people that spoke tonight was in regards to the dairy. That's what we have to separate. He stated that he didn't feel prepared to vote for that tonight, it's not separated. Mr. Bonham stated that he did come to some of the Advisory Committee meeting, and there were good speakers, but feels there needs to be more. He stated that we need to study it better, and it just can't be based on "I picked that one because it fits what I want" we need to see the big picture. I'm not saying the committee didn't do it, I just think it takes more time to get it done.

Mr. Brankle stated that we are looking at the big picture too. Mr. Ellis was talking about the local farmer how they are protected, the local livestock farmers are not going to be a fringed upon.

Mr. Bonham stated that was one of the things he wanted clarified.

Mrs. Owen stated that they are right off the bat; at the Jonesboro City Council meeting Mr. Jackson was very concerned.

Mr. Brankle stated that he is an established farmer. He can't go out there and double his operation without going before the Board of Zoning Appeals.

Mrs. Owen stated that we don't have any parameters setup yet to consider the problem.

Mr. Brankle stated we have them right here. Mrs. Owen stated we do, we need to (*interrupted by Mr. Brankle*). Mr. Brankle stated that he would be grandfathered in.

Mrs. Owen stated that she feels we need to have access to the information brought in tonight.

Mr. Treon stated that he was with Mr. Bonham, this is the County Ordinance. He stated that at the last meeting he asked where do Marion, Gas City, Swayzee and Fowlerton fit in to this county ordinance. We want to establish setbacks and so forth. They haven't even been contacted about this; he feels that they should have some sort of representation for this.

Mr. Brankle stated that they have been invited to get informed. Once this is adopted, pending the Area Plan Attorney's approval, it will go to the Commissioners and the cities, its all drawn out.

Mr. Highley stated that one of Mr. Ellis' points was what the impact is if one of the municipalities does not vote in favor. That is where he was suggesting we need legal council to understand exactly what the impact is, if say we all come up with something we all like and could concur on it. Then it went out and one community, or four communities or six communities didn't agree on it. What really is the legal ramification of that? He stated that he is finding himself anxious to move forward, but also wanting to do it with caution in certain areas. His personal opinion is that if there are sections of this that we have tonight, that we could review tonight and find agreement on those, in favor of that. If there are other sections that we feel are lacking and want further input on, he is willing to defer that to a time when we have that information and make the best decision possible for the County.

Mr. Brankle stated that he was looking for the best decision possible, and is the reason he feels that there is nothing in the ordinance final draft about manure application. We have no choice but to go to the largest setback.

Mr. Roorbach stated that it would be more prudent to wait a week, and get something in there about manure, and do it the right way and rushing something through tonight that may not be right.

Mr. Brankle stated that Mr. Manry told him it couldn't be done.

Mr. Roorbach replied that he thought it was being discussed now; let's see if we can.

Mr. Manry stated that his understanding is that if another section is put in the ordinance, it has to go through the public hearings. Mr. Ellis answered yes, any changes made that the public hasn't seen they have to be notified and go back through the process.

Mr. Bardsley asked anything that we don't speak to in the ordinance falls under IDEM or State Law, correct. Mr. Ellis replied correct. Mr. Bardsley stated which would be the manure application. Mr. Ellis replied correct.

Mr. Brankle remarked which is essentially nothing from IDEM.

Mr. Manry asked John Woodmansee what he had on manure application.

Mr. Woodmansee stated that IDEM does have regulations on manure application setbacks, their application rates to apply, that is covered in IDEM regulations right now. Mr. Brankle stated that they may have that but he would like to take Mr. Woodmansee up to Newton County and tell him that then after he'd drove through there, and visited eight dairies up there.

Mr. Highley commented that you're suggesting that perhaps Grant County might want to adopt something more stringent, he said he was not opposed to reviewing IDEM's regulations on manure application, and perhaps that's a separate ordinance that we deal with also. He stated that he thought the intent of this one was location and qualification for an AFO. He is not at all opposed; it's a valid concern to consider the manure application. Perhaps, the way to expedite all of this and yet make sure we cover the subject, make it a totally separate ordinance.

Mr. Manry asked if we can add the manure handling into the comprehensive plan. Mr. Ellis questioned amend the comp plan for the application of manure. He said no, because it would be considered a performance standard that would not be appropriate in a plan, it would be part of, for example you have performance standards listed throughout the ordinance, and it would be an additional performance standard that would specifically address that issue. It doesn't stand alone by itself, it's not a separate ordinance that needs to be included, and it's specifically to this problem so it needs to be in the ordinance.

Mr. Trobridge stated that there couldn't be an amendment to the ordinance at the ordinance expense. Mr. Ellis replied yes sir.

Mrs. Vctor stated that she was under the impression that we were not allowed to set these standards. Is that correct? Wasn't that what we were told in committee? Mr. Manry asked set what standards? Mrs. Vctor replied that we were not allowed to regulate the manure.

Mr. Woodmansee stated that IDEM has their regulations, we can set setbacks from property lines is the way he understood it. Mrs. Vctor stated that we could not regulate the dispersement of it. Mr. Woodmansee stated he didn't think so.

Mr. Manry asked if they could make the call that manure applications in a separation distance having to be knifed in or not. Mr. Woodmansee stated that he didn't think we could do that either. There are specific to the various species, there are ways that make sense and ways that don't make sense.

Mr. Brankle stated that if we can't do that, then we might as well throw the ordinance away. If we adopt two miles from Weaver's, then they can go in there and spread millions of gallons of manure outside their fence, it's not worth the paper it's written on. He doesn't believe that we cannot put in this ordinance that manure would have to be injected.

Several Board members talking at once and inaudible.

Mr. Brankle states that if the lawyer says that we can't, throw it away. It doesn't mean anything. They can spread it around the schools, houses, Weaver Popcorn, and that ordinance is worth nothing.

John Bonham stated that he heard that they needed to consider different species differently. That is something to validate or invalidate as a State. He also saw this evening that we have potentially, put at risk some of our current operations, that have not had trouble, to pass an ordinance to stop the dairy. He stated that he wanted to verify, or find out that it wasn't true. Those were a couple of items from this evening that I wanted to study. If it would take some time, he didn't think the Board could talk enough to decide those for him. But, he did think that they should discuss, and if there are other issued that other people have, that we need to do homework on, we should raise those. We should be productive with what we are doing. He stated that sections of the ordinance should be looked at to see what we can get done. If we need to stay here until eleven o'clock, or until Tony thinks were unproductive we can stop.

Mrs. Owen stated that she would like to know exactly what the parameters are for changes in this from each of the Town Councils and from the Commissioners. If it goes all through us and the councils, does the Commissioners have a right to change it all. How does that work? Mr. Ellis stated that he would find out.

Several Board members talking at once and inaudible.

Mr. Bardsley stated that was a lawyer question. It could be rejected by all; technically the Commissioners are in charge of the unincorporated areas. So we might be able to say were putting it into effect.

Mr. Ellis stated that he thought so.

Mr. Manry stated that his understanding was that if the Commissioners didn't like it, we would have to send it back to the Area Plan Commission with suggestions. If we don't like and the

Commissioners like it, the Commissioners could go ahead and pass it. I believe that is the way it is. Mr. Ellis stated that if the Board didn't like it, they could create a new one and tell them to initiate this petition.

Mr. Manry asked how do we enforce what we've put forth. We can pass all the laws in the world, but if we can't enforce them what good is it. Mr. Roorbach asked how are we qualified to enforce it. Mr. Manry asked do we have the manpower to enforce it.

Mr. Bonham asked if there is funding. We can enact enforcement guidelines, but will it be supported financially.

Mr. Brankle asked why Bruce Elliott wasn't requested to be here. Mr. Ellis stated that he had no idea. Mr. Highley stated that in hindsight, it would have been better for Bruce to have been there.

Mrs. Vctor stated that she thought the Board was hearing from Kyle Persinger in Bruce's absence. *(Inaudible comments)*

Mr. Highley stated that while we are tossing out thoughts and maybe you won't like this thought. One of the things that he has gathered from a lot of the input is we currently have fifteen to twenty CAFOs/AFOs operating in the county. By the definition that exists here, and at the same time a lot of the concerns he was hearing have to do with operations that are perceived to be significantly larger not just at this threshold. We don't want to reinvent the wheel, but is there even a potential of classifying the different levels. That if you meet these minimums you are an AFO and have to meet certain standards, but if you go beyond the next threshold there is a more stringent standard. He stated that all he is thinking is how do we protect our existing agricultural community that may want to grow and expand in parameters that does not inject the same fear that we might have if someone wants to come in with a mega operation.

Mr. Brankle stated that he thought they were pretty well protected from what Mr. Ellis has shown him and through the ordinance committee. If they want to expand and they fall in one of those parameters they can apply for a special exception. Most all of them will be grandfathered in and most of these have room to expand anyway.

Mr. Highley stated that his concern goes away with that, and he needs to understand the grandfathering and special exception processes.

Mr. Brankle stated that the Board needs to get the setbacks established, because if we run out of time we're back to square one. This could go on for a long time.

Mr. Treon stated that he hadn't heard anything from current AFO operators that they thought they were escaping from this. Every one of them is sitting there pretty nerves right now. 89% of the ground will be used up in setbacks, according to the one chart, that doesn't leave much ground for expansion. He said there is a gentleman out here that's in the business right now; he got the impression their worried.

Mr. Brankle stated that every farmer he has spoken to said we needed an ordinance that not only protects the people, but the farmer's homes also. He stated that he could guarantee that 95% of good farmers out here that's doing a good job that are in a position to expand.

Mr. Treon stated that he was going to say what no one else wants to, he thought that we have crossed the line from CAFOs and AFOs. Mr. Brankle asked what that meant. Mr. Treon stated that we are discriminating against CAFOs. Mr. Brankle said no. Mr. Treon stated that were hurting the AFO by trying to reach that point. Mr. Brankle stated he might as well go home then, and don't put him on the next ordinance committee.

Mr. Manry stated that the AFOs were formed to combine the CAFOs and the CFOs. Mr. Brankle stated that Mr. Manry and Tanya met with IDEM. That's the reason it went to AFOs. He stated that we really need to have Tanya here to speak on it. Mr. Treon stated that what he hears it covers everything and a minute ago it wasn't covering everything. Mr. Brankle stated that Mr. Treon was making something simple difficult.

Mrs. Vektor stated that it has to be called an AFO, because that's where the changes are going to be in IDEM. Mr. Treon stated that why these gentlemen here that already have them got nervous. Mrs. Vektor stated that we could do something that is going to legally discriminate against anyone. So we have to put it all under one umbrella, and this is what we learned in committee. And we don't want to discriminate against anyone, but we want to protect our agribusiness that is here, at the same time that we protect the environment.

Mr. Brankle stated that a few gentlemen getting nervous does not compare to 75,000 families, moms, dads, kids, schools. There's more to consider than the few gentlemen getting nervous, Mr. Treon.

Mr. Highley stated that we're selling the group short here, Myron. He stated that he didn't think there is a person on this Board here that doesn't have at the very base, the major concern about the environment, and the people in the county. So any reference to assume that isn't the case, he said he was offended by it. He hopes that we can assume everyone here wants first and for most to have the environment as the first concern, but there are other concerns beyond that, in addition to, not exclusive of.

Mr. Brankle asked what they were going to do, were back to square one.

Mr. Bonham said to look at the ordinance, at Section 26.1, let's work at it.

Mrs. Vektor stated that she knows a lot of hard work has been done on this, that they've done a lot of research and heard a lot of speakers. We came up with a basis here, (*inaudible comment*), probably. We've learned a lot, and put what we've learn in here. If we have some other things that we need to put with it, that's what were here for, we brought it back to you.

Mr. Manry stated we can go through these; Section 26.1 Scope and Purpose.

Mr. Highley stated that the only thing the he could recall from last weeks discussion in 26.1, in item 2. We spoke of striking the overlay zoning district. Is that no longer the case?

Mr. Roorbach asked if the committee met between last week and now, to make the changes discussed last week.

All members speaking at once.

Mr. Ellis stated that the document before you has removed the overlay.

Several members state they didn't have a new ordinance draft. Area Plan staff stated that they were e-mailed to everyone. Several members stated that they didn't have e-mail. The Area Plan staff will mail new drafts to Mr. Trobridge, Mrs. Windle, Mr. Highley, Mr. Roorbach, and Mrs. Owen.

Mr. Manry asked for someone to make a motion to continue this meeting until next Tuesday night at 7 o'clock.

Mr. Highley made the motion to take a 15 minute recess to get copies and continue on. Mr. Manry said we weren't going to get copies in 15 minutes for as many people that need them.

MOTION was made by Mark Bardsley to continue the meeting and counsel present until Tuesday, October 10, 2006 at 7:00 p.m., seconded by Roorbach. All members' present voted yes, except Vetor and Highley; motion carried

Mr. Manry asked if everyone could make it next Tuesday. Mrs. Vetor said she would be able to make it and Mrs. Windle stated she would be late to the meeting.

Mr. Brankle asked if it is wise to have so many people missing a meeting this important.

Mr. Manry asked if motion carried.

Mr. Highley stated that to be prepared for the next meeting. There were some things that were talked about and were wondering if they would be provided the next time. Mr. Manry asks if it were the changes discussed at the last meeting with Tanya. Mr. Highley stated that there was some supplemental information discussed. For example in Section 26.5 under 1, we were saying there was IDEM code or requirements. Were we just going to add it in there or provide a copy of it? Mr. Manry said we were going to add it in. Mr. Highley stated that in one area where there was insect and rodent control, there was a lack of any standard set in Indiana anywhere and Tanya had indicated in Ohio there were some standards. Was that incorporated? Mr. Manry stated that it wasn't in the new draft. Mr. Highley asked if it was going to be providing as a supplement. Mr. Manry said if we can get a hold of Tanya and get it from her.

Mr. Highley stated that in Section 26.11, we talked about revocation and extension. We had an item 1 revocation; we did not have an extension. Was something written for extension?

Mr. Manry stated that all he could say was it was discussed. If there were circumstances where they should need an extension of time to finish the project. Mr. Highley stated that the whole section said revocation and extension, and we only discussed revocation. If there is any wording ahead of time it would be useful to see it ahead of time. Even if it's someone's rough idea, it's a starting point. Mr. Manry stated that we'll try to get all the notes discussed at the last meeting mailed to everybody. Mr. Highley said that if there is documentation that can be provide for someone like himself can better understand the grandfathering and the special exception process. Area Plan staff told Mr. Highley that it was in Chapter 12 Non-conforming Use.

Mr. Bonham stated the last time that some things are put in here that are vague or broad. In Chapter 12 there is some vague language. How are we going to apply it?

Mr. Ellis states that he is concerned that you may have some conflict with State Law and he needs to identify those for Bruce to make an opinion. An opinion, on the special exception process and an opinion on the grandfathering. What's important with the grandfathering is that in the State code there is a separate section for agricultural non-conforming uses, unlike any

other non-conforming use that not identified in State Law, because they call them non-conforming uses, except one, that agriculture. His concern is that these kind of make and flick with that or the process.

Mr. Trobridge stated that a problem that he has with Section 26.12 is the word may. We may do it that sounds like discrimination to him straight out. That you can discriminate against anyone you want to. Mr. Bonham points out that they were discussing Chapter 12, and not 26.12.

Mr. Ellis asked where this was at. Mr. Trobridge stated that it was in Section 26.12, the word may. We may do this and we may do that, till we don't have to do it, is discrimination and he didn't think it would hold up. Mr. Ellis stated that the word may is from State Law. He stated that they could recommend or require that's leaving you discretion. Mr. Trobridge said it was the discretion to discriminate. Mr. Ellis said he would ask Bruce Elliott about it. Mr. Trobridge stated that the State does that in a lot of places and there is a lot of discrimination in their wording and that leaves things so broad that no one can enforce them.

Mr. Ellis stated that he understands what Mr. Brankle is saying. He agrees that the issue of setbacks seems that everyone is comfortable with it. But there are other areas where there are some conflicts you need to work through. Mr. Trobridge stated that there is a big conflict with setbacks. Mr. Ellis gave his opinion on that by saying; you have a lot of latitude on setbacks, just as you do on performance standards. He believes that there is case law that already supports that, he wants an opportunity to show Bruce that case law, and pose that question and see what his opinion is. Mr. Trobridge stated that they were given seven different setback regulations here to look at. Mr. Ellis stated that he was talking about the document you should have before you tonight. The draft that he saw, there have been changes since you came out of committee and what he received tonight.

Mr. Brankle stated that the setback would be a lot easier to discuss if we had something in there about manure application. Mr. Ellis asked if he was talking about setbacks for manure application. Mr. Brankle said no. Mr. Trobridge stated that he was talking setbacks period, a thousand feet to 2-miles. Mr. Ellis said for the manure application. Mr. Brankle said no, for the cities, towns, food processing.

Mr. Manry said that we are talking about two different things. Myron is talking about knifing in within any setback and Dick Trobridge is talking about straight setbacks for towns. Mr. Trobridge stated that he was talking about straight setbacks. He said he was talking about the ordinance that he couldn't talk about manure, because there was nothing in the ordinance about manure. He said that will talk about manure when we make an amendment to the ordinance.

Mr. Brankle stated that we couldn't vote on it correctly if there's nothing in there about manure application. Mr. Trobridge stated that you can vote on any ordinance and make an amendment to it later. It's done all the time, it's done in the State and in every town.

Mr. Brankle asked what if you voted for a 2-mile setback against Weaver Popcorn, and the amendment didn't work. Mr. Trobridge stated that's why you try for an amendment, and didn't say you would get an amendment. Mr. Brankle stated you better hope you get one. Mr. Trobridge stated that if you don't you don't. You live with what you passed. He stated that in other words you want to throw the whole thing away and let the State do what they want to do. Mr. Brankle stated that he thought that was what they were doing this evening. He stated that he thought they could settle most of this tonight. But, since there's no manure application

stipulation in the ordinance. Mr. Trobridge stated that there wasn't going to be, so stop talking about it. He stated he was the one that was going to be forceful now, shut up about manure okay.

Mr. Brankle stated that he was saying that you're not going to be able to intelligently vote for a setback if manure can be put up next to the fence. Mr. Roorbach stated that according to Mr. Woodmansee we weren't allowed to regulate. Mr. Brankle stated that was not true and that he didn't agree with it and that he would never buy that. Mr. Woodmansee stated that he knows IDEM has manure application setbacks and rates and that kind of thing, and beyond that he didn't know. Mr. Brankle said that it doesn't say that the county can not put in the ordinance and differentiate from what they have. Mr. Woodmansee said he didn't say that, what he said was we could add to the setback for manure application if we wanted to. I don't believe what we can do is determine what methods are acceptable or not acceptable. Mr. Brankle stated that if have setbacks for applications that would be just as good. If we have a setback from Weaver Popcorn at 2-mile we have to have a manure application setback for 2-mile then.

Mr. Trobridge stated that we had already decided to go to the next weeks meeting. He moved that we adjourn. Mr. Manry stated that before we get anything else. He asked Mr. Trobridge to withdraw his. Mr. Trobridge state he would if they would rebuke the other business, other than what we were discussing. Mr. Manry said no, but he wanted the motion to recess until next Tuesday and not to adjourn.

MOTION was made by Dick Trobridge to recess until Tuesday, October 10, 2006 at 7:00 p.m., seconded by John Bonham. All members' present voted yes; motion carried.

Meeting adjourned at 10:30 pm.

Tony Manry, APC President