

AREA PLAN COMMISSION
November 6, 2006

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, November 6, 2006 at 7:00 P.M. at a regularly scheduled meeting on the fifth floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. The following members were present: John Bonham, Myron Brankle, Dennis Fox, Karen Owen, Keith Roorbach, Dick Treon, Dick Trobridge, Bob Highley, John Woodmansee and President Tony Manry. Absent were Rana Vetor and Kim Windle. Staff present was Executive Director Ken Ellis, and Brenda Harrison.

Motion was made by Dick Trobridge that the minutes from September 5, September 25th, be accepted as printed, John Woodmansee seconded. All members present voted yes, motion carried.

Docket # 4Z-2006

Name: Frank Payne

Address: approximately 508 E 975 S, Jonesboro **Zoning District:** Industrial-3

Legal Description: Being 0.75 acres located in the Southwest Quarter, Section 25, Fairmount Township

Request: To change the zoning from Industrial-3 to Agriculture

Manry: First petition docket 4Z-2006.

Frank Payne, 708 N. Morton St, Fairmount, was present. He is requesting to change the zoning to allow him to place a residence on the property.

Tony Manry questioned why he was asking for Agriculture zone district instead of a Residential 1 or 2 zone districts.

Ken Ellis stated that the surrounding zone district is Agriculture, across the road is located within Fowlerton, which is not in the Area Plan's jurisdiction, therefore that zoning is unknown.

Motion: Dick Treon moved, Dennis Fox seconded, to give a favorable recommendation to the Grant County Commissioners. All members present voted yes; motion carried.

Other Business:

Amendments:

Wireless Ordinance:

deleting from the third column of the zoning district, CB, AB, PI, PC, PR add NC

deleting from the fourth column Shopping Center

deleting from the fourth column second row setbacks. At a distance of the following: 1) tower height plus ten feet from street right of way 2) twice the tower height from residential property lines

Motion: Dick Treon moved Dick Trobridge seconded to amend the Wireless Facility as presented. All members present voted yes; motion carried.

Chapter 22, definitions.

add the definition vehicle, disabled: any vehicle on a property owned by a person other than the persons residing at such property that is in disrepair, dismantled or allowed to be placed by said property owner for the purpose of storage, repair to said vehicles. This would include any vehicles in conjunction with a Customary Home Occupation.

Motion: Dick Trobridge moved Dennis Fox seconded that we accept the amendment to Chapter 22 on definitions. All members present voted yes; motion carried.

2007 schedule for APC and BZA

Motion: Keith Roorbach moved, Dick Trobridge seconded that the 2007 schedule for the Board of Zoning Appeals and the Area Plan Commission be approved. All members present vote yes; motion carried.

Ken Ellis stated he had been to several of the towns already, and Upland, Fairmount, Jonesboro and Van Buren have all tabled the review for the Plan Commission to revisit the traditional setbacks originally proposed and concerns about manure application, until the next meeting. He goes to Matthews Town Board tomorrow night. Upland and Van Buren made recommendations and voted on them, they were sent to the County Commissioners who will hold a public hearing on the 14th of November.

John Bonham requested that the Plan Commission commit to do a county wide comprehensive review starting in January

Tony Manry stated there are nine people who have signed up to speak tonight. Each person shall have five minutes apiece.

Kim Marshall, 2800 N 700 E, Marion. Mrs. Marshall is concerned about the possible long and short term health issues associated with AFO's. Mrs. Marshall would like certain areas of Grant County to be exempt from AFO's locating there, because of abandoned oil and gas wells.

Byron Brankle, 501 South Fourth, Van Buren, Indiana. Mr. Brankle has concerns about the risks of health and environmental issues from AFOs. He wants larger setback requirements from residences, corporate boundaries and schools.

Edwin Blinn, 301 South Bethlehem Road, Marion. Feels Grant County is too populated to accept the AFOs. Years ago the county did not have the foresight to see the potential problems that AFOs can create. Mr. Blinn would prefer to keep AFO operations like this out of areas that are highly and densely populated in Grant County.

Sandra Buckler, 3645 N 800 E, Van Buren, Indiana. Mrs. Buckler ask the Area Plan board to protect people of Grant County from potential health hazards. This can be done by enforcing the two mile limit from towns, schools and food processing plants, and at least a quarter of mile from residences. Technology is not always the best policy. IDEM levies fines against violators, but that does not correct the problem.

Ed Schmidt, 7237 E 400 N, feels that no matter how the AFOs are restricted it will not diminish the current level of farming in Grant County. He is concerned about the property values dropping. Mr. Schmidt feels it is critical that adequate setbacks are in place that will protect and provide for public health, safety and the general welfare of the county. He also feels the Minnesota setback model will not work for Grant County, because it was designed specifically for Minnesota.

Jon Bomberger, a lawyer with Baker and Daniels, 111 East Wayne Street, Fort Wayne, Indiana. Mr. Bomberger is present on behalf of Weaver Popcorn Company. The magnitude of the harm possible to Weaver Popcorn from activities like this without any setbacks or separation distance is great. Weaver Popcorn's position is that a two mile fixed setback should be maintained. He is

concerned that the Minnesota model is based upon Minnesota climatic conditions and not Indiana.

Mary Asher, 409 Broadway Street, Sweetser. Mrs. Asher is a Sweetser Town Council member, and stated that Sweetser also tabled the review. She is in support of a minimum two mile setback from corporate boundaries of any city, town, school or food processing plant. She is concerned that one of the requirements states that the applicant must obtain sufficient liability insurance coverage, but does not require proof that the initial insurance is not terminated or permitted to lapse. She would like to see the committee implement a means of verifying that all required insurance policies or bonds are kept in effect.

Mary Peiffer, 2731 N 800 E, Marion. Mrs. Peiffer explained some of the effects hydrogen sulfide has on the human body. She is also very concerned with the health and well being of children who go to school or live near an AFO. Mrs. Peiffer feels that a three mile setback is necessary from any AFO.

Kevin Cox, 2555 Marksara Drive, Marion. Mr. Cox feels that lagoons should be concrete lined for protection because of the unique situation Grant County is in, with abandoned oil and gas wells. He is concerned with the future of our children and grandchildren's water and air quality. Baseline rules are already established by DNR, it is up to the local government to make the ultimate decision on how CAFO's will be regulated. Mr. Cox feels there must be a minimum setback of at least three miles from food processing centers, one mile from residents and two miles from schools and towns. Also must have minimum requirements for the linings of lagoons, possibly concrete or rubber.

After some discussion, the board members set November 27th as the next APC meeting.

Meeting adjourned at 8:15 PM.

Tony Manry, President