

**MINUTES
AREA PLAN COMMISSION
APRIL 2ND, 2007**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, April 2nd, 2007 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: Myron Brankle, Bob Highley, Gary Johnson, Dick Trobridge, Kim Windle, John Woodmansee, and Tony Manry, John Bonham, President. Jeremy Diller arrived at 7:05 p.m. Members absent were Dennis Fox and Keith Roorbach. Staff present was Kenneth Ellis, Executive Director, Dale Carr and Brenda Harrison.

The meeting was brought to order with the Pledge of Allegiance and a moment of silence for those fighting in the war.

Motion was made by Tony Manry to approve the March 5, 2007 minutes as submitted, Dick Trobridge seconded. All members present voted yes; motion carried.

Docket: 2Z-2007 was represented by Ross Malonek, 8855 E 500 S, Upland, IN 46989.

Mr. Malonek told the Board that he had move to Indiana from California, to be closer to is father and to set up his machine shop. He found the property near Upland and purchased it in early 2006. He hired a company to construct the pole building which would house his machine shop. He found out that the company did get the permit, but did not let anyone know there was to be a business there. The company did tell him that he could not have any signs and to limit traffic. When Rex Malott came out to do the final inspection, he mentioned to Mr. Malonek that it looked like there was going to be a business there. Mr. Malonek stated to the inspector that it was a business. Mr. Malott then told him that his zoning was wrong for a business.

Mr. Malonek then called the Area Plan Office and met with Ken Ellis. In their first meeting they discussed the possibility of rezoning the property to I1. In the second meeting the discussion turned to rezoning to Agriculture. In an Agriculture zone a machine shop is allowed with a Special Exception.

Board members asked Mr. Malonek a few question regarding his business, such as if the machines are contained and if the was a problem with water. Mr. Malonek answered that the machines are contained with coolant tanks that are recirculating and that three weeks earlier, was the only time there was with a water problem.

Mr. Manry asked for the different business listed under Agriculture to be explained by Ken Ellis, AICP Area Plan Executive Director.

Mr. Ellis explained that the alternative was to rezone to Industrial which has a lot more businesses attached to it. At this time the property does not comply with the Master Plan for an AG zoning, but once the Special Exception is in place it will comply with an AG zoning. The only way it can be more restrictive in an AG zoning is to place a Deed Restriction on the property to allow a machine shop only.

There were no objectors in the audience and none were on file.

Proof of publication is in the file.

Motion was made by Tony Manry to give Docket 2Z-2007 a favorable recommendation with a Deed Restriction for a Machine Shop only, Dick Trobridge seconded. All members present voted yes; motion carried.

Docket: 01AFO-2007 was represented by Terry Feldmann, 7615 N. Harker Drive, Peoria, IL 61615, an engineer hired by Jackson Dairy Farm. Mr. Feldmann has had 16 years experience working with confinement feeding facilities such as Jackson's. He evaluated the property in June of 2006 and submitted plans to IDEM for infrastructure improvements in September. These improvements are for

more appropriate capacity for waste storage, better collection of the lot runoff and different environmental risks at the farm. The purpose is mainly to address water quality concerns, compliance concerns, reduce the risk of runoff, reduce odor by increasing the storage capacity up to in excess of six month enables them to apply manure to the crop ground under more favorable conditions and less frequently. It consists mainly of one large earthen waste storage pond which has an impacted clay liner which is designed to meet IDEM regulation on seepage rates. It has a perimeter drainage tile around it to control seasonal high water table fluctuations. IDEM requirements will be met with the construction of the new pit and will be approved by IDEM. There would be monitoring of construction at key points during construction. Board members asked questions of Mr. Feldmann. Mr. Highley asked a question regarding violations and if the construction was a remediation of the violations. Mr. Feldmann answered that IDEM said to fix this. The present storage capacity is a month; the newly constructed pit will hold 2 to 3 months and can go to a minimum of 6 months.

Mr. Manry questioned that fact that it was a violation and the Ordinance states that it cannot be done if it is a violation.

Area Plan Attorney Bruce Elliott replied that the construction would fix the violations and that in creating the Ordinance the committee did not figure on this expansion to abate the violation.

Mr. Diller asked for a letter stating the resolutions agreed upon by IDEM.

Mr. Johnson asked if holding the waste for six months will hold down the smell or make it worse. Mr. Feldmann replied that it would make it better when hauling it, but there may be some odor.

Mr. Ellis remarked that IDEM resolved the violation with the construction permit. Mr. Diller read the letter of approval. Mr. Ellis commented that it was helpful to the staff when they were notified when IDEM would be at the site.

Mr. Highley asked what was grandfathered and what wasn't, and does the design meet the ordinance specification. Mr. Ellis answered that he has the Ordinance broken down into a check list. He also mentioned that a petroleum well is on the property and that they would have to follow DNR requirement in capping the well.

There were no objectors in the audience and none were on file.

Proof of publication is in the file.

Motion was made by Tony Manry to approve the development plan for Docket # 02AFO-2007, Gary Johnson seconded. All members present voted yes; motion carried.

Corrected motion made by Tony Manry to approve the development plan for Docket # 01AFO-2007, Gary Johnson seconded. All members present voted yes; motion carried. There were 9 votes to approve development plan Docket #01AFO-2007.

Docket: 02AFO-2007 was represented by Jason Sweet, 8526 W 697 N – 27, Converse, IN 46919.

Mr. Sweet explained that he was farming with his brother, and trying to change the operation around and not doing anymore breeding of hogs, and going to contract feeding. They are proposing two new finishing barns that will hold 2400 head of hogs. They do not have any violations on the farm. They are planning on starting one building and in a year or year and a half starting the second building.

Mr. Manry asked about the 217 foot frontage, that the property would not meet the 200 ft. setback.

Mr. Sweet mentioned that in order to comply with IDEM, he had to get a waiver from his father and neighbor Merlin Templin, who own property on the west side of his property. He was not required to get anything from Price's on the east side.

Mr. Bonham commented that IDEM's requires a 100 ft. setback, instead of the 200 ft. mentioned.

Mr. Brankle stated that he spoke to neighbors and that they wanted to understand good hog operations.

Mr. Woodmansee remarked that it was a good location for this kind of operation.

Mr. Elliott gave a determination on lot of record, and that the expansion would be allowed.

Mr. Ellis read section 27.6.g to the Board regarding setbacks.

Mike Veenhizen, Livestock Engineering Solutions commented that he had been working with Jason Sweet on his IDEM approval and site evaluation. Relating to one item in our ordinance, that the Plan

Commission does have the opportunity to approve, approve with conditions, or deny, and hopes that this answers the question on the table regarding setbacks.

David White, Grant County Highway Superintendent at 3939 S. Garthwaite Road, Gas City, IN 46933. Mr. White stated his concerns regarding the wear and tear on the county roads with everyday traffic and large trucks coming and going from the site. Would they be helping out financially regarding the roads?

Mr. Bonham asked if this would be a concern dealt with by the Area Plan Commission Board. Mr. Ellis answered that it was a problem handled by the Commissioners. Mr. White will work with the Commissioners and Mr. Sweet regarding the road.

Jeff Harts, 905 Jon Court, Converse, IN 46919. Mr. Harts spoke for Mr. Sweet regarding his character and the financial investment in the county he has made.

The public hearing portion of the meeting was closed.

Mr. Ellis gave the staffs opinion, that the only non-conforming use regarding this docket was the setback of 200 ft. from property lines, and would meet or exceed all the IDEM requirements. Buffering was explained to Mr. Sweet, regarding the planting of an evergreen screen and a 25 foot buffering strip.

Proof of publication is in the file.

Motion made by Jeremy Diller to approve the development plan for Docket # 02AFO-2007 with the condition that he has waiver from adjacent property owner (Price) prior to issuance of permit, Bob Highley seconded. All members present voted yes; motion carried. There were 9 votes to approve the development plan for Docket #02AFO-2007.

There being no other business the meeting was adjourned.

Motion made by Tony Manry to adjourn the meeting, Dick Trobridge seconded. All members present voted yes; motion carried.

Meeting adjourned at 9:15 pm.

John Bonham, APC President