

**REGULAR MEETING MINUTES
AREA PLAN COMMISSION
March 7, 2011**

THE REGULAR MEETING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, March 7, 2011 at 7:00 PM in a regularly scheduled meeting on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. Members present:, Bob Bothwell, Chuck Briede, Mike Burton, Rob Couse, Tony Manry, Dick Trobridge, Kim Windle, John Woodmansee and John Bonham, President. Members absent: Myron Brankle, Jim McWhirt, John Metzger, and Bob Monroe. Staff present: Executive Director Steve Niblick, APC attorney Bruce Elliott and Recording Secretary Debbie Wallace.

John Bonham brought the meeting to order with the Pledge of Allegiance.

Docket: 01AFO-11 (Final Approval)

Name: Chris Duckwall

Address: 7554 E 600 N, Van Buren

Zoning District: Agricultural

Legal Description: Being 100 acres more or less and located in the Northeast Quarter of Section 08 in Van Buren Township

Request: To allow an animal feeding operation

Mike Veenhuizen, Livestock Engineering Solutions, representing Chris Duckwall was present. Rule 5 has been submitted but final approval has not been received. There were two errors in the Rule 5 paperwork which have been corrected. One indicated the buildings would have 4400 head instead of the 4000 and the setback distance to Weaver Popcorn has been changed to reflect the correct distance.

Chris Duckwall and Weaver's attorney Jon Bomberger, have reached an agreement for the land application within the two mile setback.

- All manure generated from the Chris Duckwall swine production facility that is land applied within two miles of Weaver Popcorn Company will be done using injection or incorporation,
- No manure generated from the Duckwall swine production will be surfaced applied within two miles of Weaver without incorporation,
- No spraying of manure will be conducted on crop production fields within two miles of Weaver
- No manure application within two miles will be conducted on saturated, snow covered, or frozen ground, and
- Prior to conducting land application on fields within 2,640 feet of Weaver Popcorn Company, Weaver will be notified.

Steve Niblick stated that he did review the file and his opinion is that the action taken at January's last meeting was correct. Tonight's purpose is to determine if building location, size, etc. meets the requirements. There is nothing in the six established criteria to deny this petition tonight.

Input from members:

Briede – good idea to have agreement with Weaver; capacity of storage tanks hold up to a year's worth of manure is there a contingency plan if the storage area is full?

Manry – the ordinance was changed from half a year's storage to a year's storage, should not have any issues.

Couse – as long as he stays in compliance, the agreement with Weaver has addressed potential problems

Windle – as long as Weaver is in agreement have no problem

Trobridge – would like to have the same agreement with Grant County as with Weaver so all manure is applied the same way

Manry – questioned if all of Chris Duckwall's land is within the two mile

Duckwall – all land is within the two mile circle around Weaver

Woodmansee –believes that all requirements of the ordinance were met and the letter is an extra step taken in good faith

Manry – Duckwall leases land from the Town of Van Buren and he will not spray anything around the town

Bonham – applications is within the requirements of zoning and letter shows he is being a good neighbor with Weaver

Bothwell – couple of concerns; one has been addressed; questioned if 100% of the manure will be injected. The current ordinance should be amended to treat all AFO's, expansion of existing or new facility, meet whatever the current requirements are; grandfathering should be taken out.

Manry – the grandfathering is from state law under right to farm

Bonham – the master plan is going to be reviewed and updated and AFO's would be apart of that;

Veenhuizen – outside of the two mile radius there could be a time when Duckwall may have to spread without incorporating or injecting; this would be an option, not a practice, as a practice of addressing the site conditions, soil conditions and that type of thing.

Niblick – contact APC for any surface application outside of the two mile circle; notify the office prior to applying

Burton – the concerns from the last meeting seem to all have been addressed; satisfied at this point.

Briede – questioned if all other farmers would have to notify APC same as Duckwall; wants to make sure that everyone is treated the same

Manry – no other farmers will have to notify APC, this is an agreement with Duckwall only

Motion: Tony Manry moved Dick Trobridge seconded to approval the final plan with the following stipulations: 1) approval of Rule 5 being submitted to the APC office; 2) letter of agreement with Weaver; 3) notify APC of any land application. All members present voted yes; motion carried.

In other business, the Comprehensive Plan is the first thing on the agenda to update; executive committee will meet as needed and then it will be brought in front of the Commission.

Motion: Tony Manry moved Dick Trobridge seconded to adjourn the meeting. Meeting adjourned at 8:00 pm