

**MINUTES**  
**BARTHOLOMEW COUNTY PLAN COMMISSION MEETING**  
**MARCH 9, 2016 AT 8:30 A.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**COLUMBUS, INDIANA**

**MEMBERS PRESENT:** Zack Ellison, Rick Flohr, Tom Finke, Lisa Moore, Phyllis Apple, Don Meier, Jason Newton, Kris Medic, Jorge Morales, and Russ Poling, Sr. (City Plan Commission Liaison).

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Jeff Bergman, Sondra Bohn, Allie Keen, Charles Russell, Ashley Klingler and Cindy Boll (Deputy County Attorney).

**CONSENT AGENDA**

Minutes of the February 10, 2016 Meeting, (Approval and Signing).

Motion: Mr. Flohr made a motion to approve the minutes with one correction. Mr. Morales seconded the motion and it carried unanimously by voice vote.

**NEW BUSINESS REQUIRING COMMISSION ACTION**

**MI/P-16-02: Amos Chestnut Minor Subdivision, Replat of Lot 2** – A request by Matthew Donica to create 3 new lots for a total of 6 lots on approximately 48.15 acres. The property is located at 7540 South 650 West, in Ohio Township.

Ms. Keen presented the staff information on this request.

Mr. Rik Sanders with ER Gray & Associates and Matt Donica owner of the property represented the petitioners.

Mr. Sanders stated that all the outstanding technical comments would be addressed.

Mr. Ellison opened the meeting to the public.

Mr. Craig Bolte stated he was an adjoining property owner who farms directly to the south of this subdivision. He expressed concerns about the future division of the currently proposed Lot 6 again and would it appear before the Plan Commission again. Mr. Bolte stated he wanted to remind the Plan Commission members they were placing this subdivision by an operating farm and all that goes with it. He stated it would continue to grow and whoever buys Lot 6 should be made aware that this is a working farm.

Mr. David Kadlec a resident of Keeping Hill stated he was concerned about the environment. He expressed concern about the septic system on Lot 4 being so close to a drainage ravine that was located on Keeping Hill property. Mr. Donica stated that system site has already been moved back at the request of the Bartholomew County Health Department. Mr. Kadlec stated he would like the mature trees to stay that are located near the road.

Mr. Ellison closed the meeting to the public.

Motion: Mr. Morales made a motion to approve this request with the following condition: (1) a 30 foot building setback shall be retained along the southern property line of Lot 6 and all technical comments need to be addressed. Mr. Finke seconded the motion and it carried with a vote of 9-0.

## **OLD BUSINESS REQUIRING COMMISSION ACTION**

**General Resolution 2016-01 (CFO/CFO'S Zoning Ordinance Amendments)** – A resolution making a recommendation to the Board of County Commissioners regarding proposed amendments to the Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operation (CAFO) provisions of the Zoning Ordinance.

Mr. Ellison stated there would be a different group of speakers today and the meeting would go until 11:00 a.m. He stated the same rules would apply that were at the last meeting, five minutes time limit on each public speaker, he stated 27 people spoke at the last meeting and over the last month the Plan Commission members have had time to think about the comments.

Mr. Ellison stated he had received letters from Ann Jones, Bryan Harding, Gary Dodd, Mike Percy, David Baker and Jean Turpstra. He stated copies had been passed out to the board members.

Mr. Ellison opened the meeting to the public.

Mr. Bill Gelifus stated that he was in favor of the CFO/CAFO Study Committee majority recommendations. He stated that when the public moves to the county you take that risk that a CFO could be located near you. Mr. Gelifus stated that they had operated a CAFO for many years and are checked on regularly by IDEM. He stated they have been successful in their operation.

Mr. Jeff Shoaf stated IDEM has very strict rules and regulations when it comes to CAFO operations. Mr. Shoaf stated he had raised six children on his farm and they each had developed a good work ethic from this experience.

Ms. Cheryl Mullis stated that it was her opinion that the Conditional Use permit process for CFO's should be left as it is.

Mr. Curt Burbrink stated that agriculture business generates millions of dollars and it is a big business in Bartholomew County. He stated it was important to him that his farm would there for future generations of his children. Mr. Burbrink stated all his children and grandchildren were involved in 4-H projects over the years and this has been a learning experience for them.

Ms. Kaylan Dailey stated she had been raised on a livestock farm and has many pleasant memories. She stated that a school and a park located nearby knowing that the livestock operation was already in business.

Ms. Chatney Gelifus stated it was her opinion that the roll of the government is to protect people's rights.

Mr. Gary Jacobs stated that they have a farm and try to be good stewards of their land. He stated he was concerned about leakage from septic systems at nearby homes more than CFOs.

Mr. David Baker stated that CAFOs were a danger to people's health and the air quality was not good at the sites.

Ms. Emma Wischmeier stated that agriculture production is very important to this community. She stated this was an area she had planned to go into in college and this would have a direct impact on her future.

Mr. Bill Corya stated that he was the owner of three CAFO's, two in Decatur County and one in Bartholomew County. He stated to his knowledge there has not been any well contamination and no large corporation or farmers would chose to go somewhere they were not wanted. Mr. Corya stated Bartholomew County is not a welcoming county for CFO's.

Ms. April Hoeltke stated she had lived on rural dairy farm. She stated that if the minority recommendations were adopted there would be no CFOs allowed anywhere in Bartholomew County.

Ms. Jean Turpstra stated that CAFOs should be liable for their operation if something should happen that would affect the neighbor's property. She stated it was her opinion they should be held responsible and be bonded if their operation had a negative effect on adjoining property.

Mr. Greg Dailey stated he had no problem with well contamination. He stated it was important to him to preserve all agriculture land and allow farmers to operate in a fair manner in this community.

Ms. Nancy Banta stated in her research most CFOs were located in Hawcreek Township. She stated she was in favor of the minority recommendations.

Mr. Mike Percy stated there was a new case filed in Jackson County against a CAFO.

Ms. Stephanie Pierret stated that perhaps the City and County could work together and come up with a solution to this problem.

Mr. Justin Gelfius stated that the cost of operating a CFO is very expensive. He stated it takes millions of dollars of investment if it is going to be done correctly. He stated it is a high risk business and to make it successful there are many regulations and rules that have to be followed. He stated they are also regulated by IDEM and they test their farms on a regular schedule.

Ms. Frances Shoaf stated she had lived on a working family farm for nineteen years. She stated it had been an educational experience for each of their children and she would like them to have the option to continue this farm in the future.

Mr. Clint Arnholt stated he was in favor of the majority recommendations. He stated the farms are regulated by IDEM and their standards are high. He stated that farms produce a lot of food to feed the American people.

Mr. Eric Sheidt stated that the setbacks' on the majority recommendations are acceptable. He stated the farmers in this county are contributing to the economic base and should be allowed to continue.

Mr. Ellison closed the meeting to the public.

There was an objection from Mr. John O'Halloran for closing the public hearing. He stated that there were people still left who wanted to speak. Ms. Boll stated that as President of the Plan Commission, Mr. Ellison runs the meeting and if it is his determination that public comment is finished, it is finished.

Mr. Ellison stated it was his opinion that they had heard adequate input from both sides to come to a decision amongst the members of the Plan Commission at this meeting. He stated that both the farm community and those who are not directly involved in farming have had a chance to voice their opinion. He stated it was time for the Plan Commission members to have a discussion and try to make an informed decision regarding this proposal.

Mr. Ellison stated it was his opinion that in the public there was a consensus they would like to continue notifications to neighbors when someone is proposing to build a CFO or a CAFO. He stated that IDEM has a requirement that they will notify the neighbors when they receive a petition. Mr. Ellison stated it is also done on a local level through the Planning Department when someone applies for a Conditional Use to construct one. He stated it was his opinion that the Conditional Use process was working in this County after hearing all the input.

Mr. Ellison stated it was also his opinion that having a larger tract of land is better, because some of these operations will not fit on 5 or 10 acres. He stated the majority wanted 10 acres and the minority wanted 40 acres. He stated there should be a compromise between the members of the Plan Commission, when making the decision.

Mr. Ellison stated it was his opinion they should consider using Dr. Heber's model. He stated Dr. Heber has done a tremendous amount of work on the model that was presented at some of the public meetings. Mr. Ellison stated that the modeling was something that could be used at the BZA meeting for more accurate analysis of the site. He stated this would be good input based on scientific data. He stated these were the three things he had heard from the public that might be used when a motion is made. Mr. Ellison stated it is now time to compromise and make a recommendation to the Bartholomew County Commissioners.

Mr. Morales asked what the good character clause was that was noted in the minority recommendations. Mr. Flohr stated it meant that if someone in the past had a CAFO operation and there had been a lot of violations at the site they should not be considered.

Mr. Don Meier read a letter in the meeting; He stated that it was his opinion that some were trying to setback the farming industry by 30 years. He stated some are trying to regulate any livestock production. Mr. Meier stated that this was one of the healthiest and safest industries in the world. He stated there were sufficient regulations in place now for farming and we do not live in a perfect world. He stated the accidents that happen can be cleaned up and managed. Mr. Meier stated there is new technology available today that helps overcome these hurdles. He stated the

confined feeding areas seem like a small sacrifice to have fresh local grown food. Mr. Meier stated if you want to kill this local industry stop buying food. Mr. Meier stated that the average American supports animal agriculture.

Mr. Flohr stated that population density is one limitation where you could site a CAFO facilities. He stated that the residential development has moved out into the agriculture area of Bartholomew County. He stated this has happened over a number of years for various reasons. Mr. Flohr stated they all have a responsibility to the people who live in the agriculture community. He stated that the setback change may be helpful, but he was not sure it is the way to arrive at a decision. No one should have control over property that they do not own.

Ms. Apple stated that it was her opinion that the Conditional Use procedure should remain in place.

Ms. Apple asked what would happen if there was a compromise in the acreage area and if it were changed to twenty instead of ten.

Mr. Finke stated there was a discussion about minimum size, of the property, but he stated it was his opinion that that does not have an impact on the minimum setbacks. He stated the setbacks were more important than the acreage that was involved.

Mr. Newton stated he agreed with the Conditional Use requirement, but the thing that needs to be clarified is the setback area.

Ms. Medic stated she supported the Conditional Use requirement She stated any setback in Indiana is arbitrary. Ms. Medic stated that the science on the health issue is not settled. She stated the Purdue model is the only thing that we have that is based on scientific study. She stated it was her opinion that was worth another look.

Much discussion was held on the Dr. Heber model that was developed at Purdue.

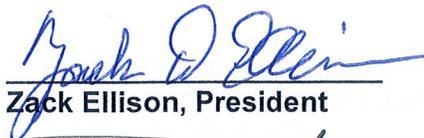
Motion: Mr. Newton made a motion to send a favorable recommendation to the Bartholomew County Commissioners on the adoption of the CFO/CAFO Study Committee majority recommendations, but with a Conditional Use being required for all CFOS. Mr. Finke seconded the motion and it carried with a vote of 6-3 with Mr. Flohr, Mr. Ellison and Ms. Medic being the nay votes.

## **DISCUSSION ITEMS**

### **DIRECTOR'S REPORT**

None

**ADJOURNMENT 11:15 A.M.**



Zack Ellison, President



Tom R. Finke, Secretary