

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Bill Maxwell, John Randall, Jr., Mary Jane Baker, Shirley Aubrey and Bill Hobbs.

Members Absent: None.

Also Present: Michael Hershman, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken and all members were present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. After some discussion there were several corrections to be made. It was the consensus of the board to table the minutes until the next meeting.

New Business

1. **Petition #466 of Vernon Brummet for a variance for front setback relief.** This property is zoned CR and is located on the south side of St. Rd. 28 approx. 1/8 mile east of Co. Rd. 700W in Pipe Creek Twp. and containing .54 acre, more or less.

Mr. Hershman said, houses characterize the surrounding area. The houses along the south side of SR 28 appear to be set back a similar distance from the road. The property is a house site with an existing manufactured home, a garage and a barn.

The Ordinance requirement is 150 feet to the right-of-way. The applicant is making the request in order set a manufactured home 67 feet from the centerline of SR 28. The Ordinance requirement is 200 feet. The home will replace an existing manufactured home on the property, roughly in the same spot. The applicant has applied for a permit for the new home. The new home will meet the minimum living area requirement.

The staff did get verification that the notices were sent and the legal notice was run in the Elwood newspaper.

Vernon Brummet was present representing this request and informed the board he lives at 6829 W St. Rd. 28.

Mr. Brummet said, there is an existing mobile home on the property and I want to replace it with a modular home.

The reason I have to sit it there is, I have a good septic system and there is no other way I can put the modular in there the 150 feet. The new home will sit perpendicular because of the septic system. There are a couple of out buildings, which also limits where I can place the new home. I will be living in the modular home.

There were no remonstrators present.

Mr. Maxwell said, I will make a motion to approve Petition #466. And as was stated earlier, this will still be lined up with the home north and south of the property, up and down Highway 28 there as far as sit backs. And it will not be injurious to public health, safety, morals or welfare of the community. Actually it will increase the value of the property but will not hurt the adjacent property. The septic tanks stays within the back so you can't move it back any further because of the buildings back there.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion. **Petition #466 of Vernon Brummet for a variance for front setback relief was approved.**

2. Petition #468 of Richard J. and Judith E. Sochacki for a special use for retail sales of fruit, vegetables, candle and craft items, cider, donuts and coffee. This property is zoned AG and is located on the west side of Co. Rd. 300E approx. ¼ mile south of Co. Rd. 300S in Union Twp. and containing 2.58 acres, more or less.

Mr. Hershman said, the surrounding area is a mix of residences and fields. I-69 is immediately to the south of the property. The site is a house, with a garage and trees planted to the south of the residence. The applicant appears to have already started the business.

Mr. Sochacki owns an additional 6.6 acres that is also part of the orchard. The applicant wants to use a 16'x12 garden shed for sale of items produced off site. The state building department has signed off on the building. Mr. Sochacki also wants to conduct orchard tours and craft making. It is the sale of items produced off site that triggered the special use, as per the Ordinance.

Staff has not received verification that that the notices were sent or the legal notice run in the newspaper.

Staff has several questions for the applicant.

- 1) Where are people visiting the site going to park?
- 2) Are there going to be restroom facilities at the site?
- 3) Has the Health department been contacted regarding the septic system?

Richard and Judith Sochacki were present representing this request and informed the board they live at 3185 S 300E.

The board was informed this should not have been put on the agenda if proper notification was not given and proof thereof.

The Sochacki's were informed they needed to send the notices certified mail with return receipt requested. The Planning Commission office always request the return receipt from the certified mail. That is not the green cards. The Planning Commission office has not received those as of yet. Also, nothing has been received showing this was advertised in the newspaper.

Mr. Sochacki told the board he has those items at home and could bring them in to the office and asked if the board could still hear their request today.

There were no remonstrators present.

Mr. Maxwell said, I make a motion to table Petition #468 until the June 4th meeting.

Mr. Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #468 of Richard J. and Judith E. Sochacki for a special use for retail sales of fruit, vegetables, candle and craft items, cider, donuts and coffee has been tabled until the June meeting.**

3. Petition #467 of Kenneth Jarrett, landowner, and Rick Jarrett, petitioner, for a special use for a confined feeding operation. This property is zoned AG and is located on the northeast corner of Co. Rd. 1300N and Co. Rd. 700W in Duck Creek Twp. and containing 152 acres, more or less.

Mr. Hershman said, fields with scattered houses characterize the surrounding area. There is a residence adjoining the site to the south. The site is a field with several out buildings, barns and silos.

The property is defined as a concentrated animal feeding operation (CAFO) as per the Indiana Department of Environmental Management (IDEM), though the Ordinance does not make a distinction between the CAFO and a confined feeding operation (CFO).

Staff has several comments/questions for the applicant.

- 1) A copy of the IDEM permit is needed.
- 2) How much of the projected waste will be applied to the 150 acre tract?
- 3) How will it be applied?
- 4) What will be done with the waste that is not applied to the property?
- 5) Where is the water for the operation going to come from?
- 6) How will the dead pigs be disposed of?
- 7) How many and what types of trucks are to be used?
- 8) What route are they going to take to the property?

Concerning item one, under Staff comments/question, staff has received verification that proper notice was sent. Further, the legal as was run in the Elwood newspaper. Further, staff received

on May 16, 2006 a copy of the IDEM permit for pollution discharge. Staff still has questions as to what is going to be done with the waste that is not applied to the 150 acres.

Rick Jarrett was present representing this request and informed the board he lives at 7463 W 1500N, Elwood.

Mr. Jarrett said, my family is all here. This is a family farming operation. The county its self will receive approximately 20,000 dollars. That will be around ten thousand dollars for each building, and with more taxes. We feel this is awful important for the county.

I am going to turn this over to Kari Keller-Steel who is my representative. She will discuss details of my proposed operation.

Kari Keller-Steel, 3981 S St. Rd. 121, Connersville, Indiana.

Mrs. Steel said, just to give you a little background. I have helped Rick get his information through the State. We also put together some Finding of Facts.

Mrs. Steel passed to the board members a folder outlining their intentions (this is on file in the Planning Commission office).

Mrs. Steel said, first of all I think it is important that you understand what Mr. Jarrett is being regulated by currently.

He pulled a permit through IDEM. He is regulated under the, Confined Feeding Control Law, 13-18-10. In addition he has a Federal mandated permit that is called, General National Pollution Discharge Elimination System Permit. It is administered by the State. This permit is ruled by 327 IAC, Article 16 and utilizes construction standards found in 327 IAC, Article 15.

IDEM regulations are a three-step process.

The first process is the application packet. It deals with ownership, the spreading acreage and gives the description of the facilities. This deals heavily with the development standards that are not only developed by the Department of Environmental Management but they rely heavily on the Midwest Claiming Service. They also utilize the Natural Resource Conservation Service. It ensures suitable areas for spreading. The property can be owned by applicant or covered in a land-use agreement. Certified soil scientist conducts soil borings. Verifies depth to water table and possible bedrock. Characterizes soil profile.

The packet also contains, the application packets and supporting documents submitted to the state. The neighbor's notification is mailed within ten days of submittal. Notification is published in local paper. IDEM reviews the information to ensure the application meets all regulations. Several people including a Professional Engineer, Geologist and a specially trained permit writer conduct the permit review. Site visit is conducted to further verify site suitability. The permit is drafted and approved.

The next step is the construction compliance.

We have to notify the State and when we start the construction process the State can start their inspections.

Manure storage design is scrutinized by trained Professional Engineers in the permit process. Before construction begins applicant notifies IDEM of the construction schedule. IDEM conducts various site inspections during construction to ensure the facility is being constructed according to plan. Once construction is complete the applicant again notifies IDEM and submits a signed affidavit stating the facility was constructed according to approved plans.

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So, now we have a permit, the building is built and we have pigs in the building. Now that everything is up and running we operational things that we need to be aware of and in order to aid in that we do things like a spill response plan. We have to copies of all IDEM's approval and correspondence on site.

We make sure the soil analysis within the past three years for all acres utilized for manure application. Not all land application agreements needs to be signed up with the State initially, as long as all the data is there to ensure agronomy applications, you can keep that in your records and IDEM can come in and check.

Soil analysis is to be conducted annually. You need to make sure the rate that your getting ready to apply is an agronomical-based rate. You need to make sure you have all the land use agreements in you operating records for the particular field that your going to if it's not owned. Also, in our operating record we have a farmstead map. We have soil survey maps of all land application acreage. We have design drawings of the facilities. We have the mortality management plan in those particular documents to ensure the deaths are handled properly. We have storm water pollution prevention plan to ensure that the clean water stays clean. We also completed soil conservation practice plan. In this particular plan it not only addresses any concerns with manure it covers erosion to ensure that if you have erosion problems that they are addressed properly through buffers, waterways and such techniques.

Next is the manure application record and once you have conducted the application you need to document it at every step. We have to tell them exactly how may gallons per acre we apply. What type of manure was applied, the amount of application, who applied the manure, when we started and when we stopped. We also have to record and take in to account any weather conditions during application and for 24 hours prior to and following the application.

After all that is documented we make sure we document all the nutrients applied. We talked about the proposed crop. We make sure it's a good fit for the manure application we are doing. We talked about the yield goal for that particular crop and we verify if additional fertilizers are need.

Mr. Jarrett would have weekly inspections. At these inspections he needs monitors his pit levels, that all the storm water controls are checked and an overall condition of the site. On a daily bases they do a water line check to ensure there is no water line leakage to increase the volume and they would want to make sure any problem is taken care of. We also have to do mortality documentation.

After we have our binder together IDEM does come out and inspect these and make sure that all the documents are there and everything is in order.

This particular operation is two to four thousand head swine finishing barns. The building dimensions are 81' 6" x 413'. The pit is eight feet deep. This provides them with 365 days worth of manure storage. The building will utilize deep well water sources. At least two wells each 160' to 180' deep. The operation will produce minimal noise. There will be two dusk to dawn lights located at the load out areas.

Hours of operation are just general, normal business hours. There may be an occasion where an early morning where pigs will be coming out. All the mortality are composted. Composting is one of the four methods approved by the Board of Animal Health throughout Indiana. It's easy to maintain.

Next is manure value. This is a valuable product. There is a value of \$148 per acre, per application of this product. Manure equals fertilizer. This is not a waste. It improves soil tilth through the addition of organic matter. After the cost of application these two buildings will provide right at 100,000 dollars worth of value in fertilizer.

Mrs. Aubrey asked how many times do you have to take out and if its stored for 365 days which is a year, how may times are you going to drain that on the land?

Ms. Steel replied, usually we try to do it twice a year. For example, if we haul in the spring before the crops are put on and we haul in the fall after the crops come off. Because we have the year for the storage we can wait and haul it once a year or if the ground is suitable we can haul it twice.

Mr. Hobbs asked how is he going to apply this?

Ms. Steel said, its all going to be injected.

The manure adds organic matter and improves tilth to the soil and this mineral application is highly regulated unlike a lot of commercial fertilizer applications today.

Soil samples will be taken at least every three years on all application ground. Manure samples will be taken annually and manure application rates adjusted according to nutrient content/crop needs. Deep-pitted building provides one-year storage. And 327 IAC 15 requires a minimum of 471 land application acres for this operation. Also, 510 acres were identified to IDEM for land application. An additional 120 acres is also under contract for land application. All of this equals flexibility.

As far as traffic there are two routes possible for semi-truck traffic to and from the facility. Route one is St. Rd. 37 to 1300N to 700W. This is one mile of county road and will pass three residences along this route. Route two is St. Rd. 37 to 700W, which is .83 mile of county road and would pass four residences.

There will be a total of 458 trucks per year to service this building. This particular facility will turn 2.6 times per year. That means there small pigs come in, they will finish out, the big pigs will leave, it will be empty for a while for clean out and then they will load pigs back in. That happens 2.6 times per year. We call those terms. Given that, when we populate the building, when we bring small pigs in it will take 42 trucks to do that. That would be per year, it would be 16 trucks per turn. Those 16 trucks would be over about a two to three week period. When the pigs are finished out there is a total of 130 trucks a year that load out. That's 50 trucks a turn. So, it will take a little more than double the trucks to take the pigs out than it did to bring them in. The last source of trucks is feed and there will be approximately 286 trucks per year of feed. That's about five and half trucks a week up and down the roads to service 8,000 head. All that equates to 458 trucks a year.

This proposal will not be injurious to the public health, safety, morals, and general welfare of the community. We do have our IDEM approval. All aspects of water quality were evaluated and approved by the state. We have strict pit construction standards and we met those. There is going to be inspections during the construction to ensure compliance are followed. There is excessive land application acreage available with long-term land use agreements and through the operating record and routine IDEM inspectors we will ensure this particular facility will be operated in top-notch manner its entire existence.

To address health issues, I would like to point to an air quality study. Basically, Dr. Steve Hall from Iowa State University did a study of nine different farms. Most of those farms were deep pitted. Three of them were lagoon type facility. What he found was, the perimeter of those nine swine barns, just 300 feet away from the building, they tested for hydrogen sulfite. This was done between 2004 and 2005. In addition to looking at the perimeter of those hog farms they also looked at five homes for ammonia and hydrogen sulfite. Four of those homes were located near the swine farms. Less than 2,000 feet. One was located in an urban setting. What the study did was, they said what are the air levels at the perimeter, 300 feet away from the buildings. What is the air level at the front doors of the homes and what is the air levels inside of the homes. What we found when we looked at those particular buildings that were deep pitted was, the health standard for hydrogen sulfite is 20 part per billion. That's constant exposure, 365 days. There was one facility down wind that registered 31 parts per billion. The rest of the facilities were, 2,7,9 and 21 was the only one down wind on a calm day at 300 foot from the building that we registered 21 and the health standards 20. When we went to the homes, again they all within 2000 feet of the building, the highest hydrogen sulfite level was 2.5. We went inside the homes and it was 2.4. The ammonia health standard is 100 parts per billion and when we looked at the ambient air outside of the home the ammonia level was 55. When we went inside the home the ambient air was 95. So, what this study found is, there is absolutely no correlation between ammonia levels outside of the homes in relation to inside the homes. We

also found that in these cases, in the deep-pitted buildings, that there were no incidences of hydrogen sulfite being above the health standards.

The requirements and development standards for the requested special use as prescribed by this ordinance will be met. The facility will sit on a 150-acre tract. The zone ordinance requires 40 acres. All the structures are located in excess of 100 feet from property lines. The lot in which the operation sits is in excess of 1,320 feet from any residential zoning district. We have also met all the developmental standards of you code.

Granting the special use will not subvert the general purposes served by this ordinance and will not permanently injure other property or uses in the same district and vicinity. This use is clearly contemplated by this ordinance and we are applying for a spec use as prescribed in the ordinance.

Any potential air concerns, they way we are going to mitigate those to insure that there are not going to be air concerns. We are injecting all the manure to ensure that all the odors are kept to minimum during applications. We are constructing deep-pitted buildings to minimize air emulsion from the manure as its being held over the years. We will install additional best management practices as they become available. Right now this is the best we can do. It does not mean that as the technically develops that we are not going to do more. Potential water concerns, IDEM has approved this. It's properly designed, it's properly constructed and we are a zero discharge industry. Any over application is illegal. We do inject the manure. This ensures there is minimal run off and there is no concern that if there does happened to be a pop up shower shortly after application it ensures the manure stays in the filed and is utilized by the crop.

I would like to point to all the previous evidence we submitted in support of the fact that this is not going to cause a problem for the community.

The proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive Plan and it furthers accomplished the goals set forth in the plan.

I would like to point to Section A (A-4-14) and I would like to read a paragraph:

“Agricultural production is critical for defining a physical and functional character of Madison County as well as contributing substantially to the nations food supply. The preservation of the county’s agricultural industries and rural character has been identified as the highest priority for any community development action that will be taken. It has been determined that Madison County at the time of compiling this plan is well positioned to create a variety of flexible programs of policies that will serve to protect this critical industry and this rich landscape based heritage by insuring these lands remain in tact, protected and viable.”

This operation allows Mr. Jarrett to stay viable in an ever-increasing competitive and narrow margin market.

I would also like to point you to B-1-4 under Development Policy. I would like for you to look at objective 2.2. Under preserve the physical integrity and productive capability of agricultural lands and industries in Madison County. Develop methods that support agricultural activities add components of economic development.

We feel this operation is clearly supported by your Comprehensive Plan.

Mrs. Aubrey asked how much project waste will be applied ---

Ms. Steel said, it will be completely dependent upon the manure application test but what we did is under number four, under the Manure Management Plan, that information is provided. It depends on the crop and things like that.

Mrs. Aubrey asked are you injecting it?

Ms. Steel replied, yes.

Mrs. Aubrey asked, what will be done with the waste that is not applied to the property?

Ms. Steel said, it will be applied to the other adjoining properties that are outlined in Tab 5 and as we discussed previously there is 670 acres.

Mrs. Aubrey said, and where is the water from that operation going?

Ms. Steel said, the two deep wells that we discussed.

Mrs. Aubrey said, the trucks you told how often and you told us the route they would be taking.

Ms. Steel said, we discussed two routes ---

Mrs. Aubrey said, what are the first route and the second route?

Ms. Steel said, the first route would be, St. Rd. 37 to 1300N to 700W and the second route is, St. Rd. 37 to 700W.

Mr. Hobbs asked when would the soil borings be preformed?

Ms. Steel said, they have actually already been preformed and they are located in you packet under, Tab 1.

Mr. Hobbs said, I saw those but soil borings were only pertinent to the building.

Ms. Steel said, those are the only soil borings that are required except for testing for the fields.

Mr. Hobbs said, so when it talks about complaints and cannot be constructed on top of bedrock formations, how do you determine that?

Ms. Steel said, when we do the soil borings ---

Mr. Hobbs said, it's only 60 inches. That's my question. You've got a ten-foot sump pump installed, which is five foot deeper than your soil boring in these plans, the pit is deeper than the soil borings.

Ms. Steel said, when these buildings are constructed we do the soil borings to a depth of two feet deeper than the pit will be placed. And we place the pit approximately four feet under ground, four feet out of the ground and fill around it. So, that is why the soil borings are deep enough. And even though the building when you look at the side grade on the facility plans it will show that obviously we bring the dirt up to add support to the building. But, to current grade it's only four feet in the ground of current grade.

Does that answer your question?

Mr. Hobbs said, it does in a way until you get back in to 327, IAC, 16-2-2, where you are trying to define bedrock, meaning cement or consolidated earth materials exposed to the earth surface or underlying consolidated earth materials. How do you determine that there is no unconsolidated material on top of the bedrock?

Ms. Steel said, because we make sure what the standard is and this was adapted through rule writing and fortunately I had the opportunity to be involved in the rule writing and talked to a lot of the engineers that were involved in that decision. One of the things that they discussed was the fact they felt two feet of cover of dirt is suitable above any type of bedrock. So, when we do the boring that's why we ensure that the boring is two feet below where the structure is going to be to ensure that there is two feet of good dirt between the base of that structure and any of the rock formations that your discussing.

Mr. Hobbs replied, that explains it.

Mr. Maxwell said, on 1500N and 700W there is an operation that is similar to this. Does this belong to you folks?

Mr. Jarrett replied, yes.

Mr. Maxwell asked how long ago had that been.

Mr. Jarrett replied, October of last year. I think it was finished in November.

Mr. Maxwell said, I guess the next question is directed to the director. Is that a different operation than this one? Is there a reason we didn't hear it?

Mr. Hershman said, basically at that time when the information was submitted to us we didn't have the IDEM numbers in reference to what the threshold for the amount of animals that were there. And subsequently we have gotten the IDEM numbers in reference to what triggers a

confine feeding operation and a CAFO. So, we are able to use that and Mr. Jarrett's request came in after we got that information. So, basically we had more information, which helped me make my decision.

Mr. Maxwell said, for what reason did the first one not need a special use?

Mr. Hershman said, because at that time I thought the numbers they submitted were okay because we didn't have the numbers. But subsequently I got the IDEM numbers and discovered that the number as per item does trigger a confined feeding operation.

Mr. Maxwell said, so if this is approved for this site and they are asking for two parcels, 4,000 each, if they choose to expand this operation four, five, eight down the road, do they have to come back before this board or once this is approved for one building is that good for as many buildings as he wants to put or what?

Mr. Hershman said, I had not thought about that issue. My initial reaction would be, yes, go a head and he would at that point get a special use for that second property. But as per Mr. Jarrett he is not planning any additional facilities at that site.

Mr. Maxwell said, well at this time. But, I'm saying if his needs comes up two or three years from now what process does he have to go through before he can put up another building?

Mr. Shine said, you are allowed to put conditions on any special use that is approved by this board.

Mr. Randall said, if they put up additional buildings they would have to get approval from IDEM to do anything more.

Mr. Hershman presented to the two letters of remonstrance, one is from Thomas J. Grondin, 8033 W 1300N, Elwood, IN 46036 and the other is from Sandra K. Gordon, 6568 W 1300N, Elwood, IN 46036. Both letters are on file in the Planning Commission office.

Tom Austin, Superintendent of Schools in Elwood, Indiana was present.

Mr. Austin presented a hand out to the board that covers some of his comments. (Mr. Austin's packet is on file in the Plan Commission office).

Mr. Austin said, I come here this morning in my capacity as a Superintendent, charge with the on going spirit ship of the finances of the school corporation.

I am not an expert on farming but I know school finance very well. I speak to you this morning in reference to the hope that I do not experience because of this operation, a further devaluation of our property tax base that drives the funding for our school corporation.

Behind that funding our educational programming that meets the needs of our students. I would like to draw your attention to the report first. This report has been repaired for other presentations I have been giving throughout our community.

I want to draw your attention to the 2006 tax rate. You will see the significant increase in our tax rate. That was due to a 48 million dollar decline in our tax base. For reasons we have no control over. We have the highest tax rate in Madison County. I am all about kids and programming and that's why I am here today.

The middle part of the first page identifies, you look at 2,258,352 dollars, that's how much we have to cut. That's what has been cut from the 2005 and 2006 budgets to make this year's budget work. I think identify for you what our certified AV was in 2005 at almost 303 million dollars. This year our certified assessed value declined to 254,215 million dollars. Almost a 20 percent increase. That had nothing to do with our financial practices. We lost 20 million dollars in our tax base due to reduction in business inventory tax. We lost almost 810 thousand dollars due to the decline of farmland assessment.

I am here this morning to illustrate for you as my capacity as superintendent, that should this operation in any way further erode or tax base that will impact, student programs and staffing in the immediate future.

The second page of the handout illustrates the different assessed values for the districts in our county. The school corporation suffered the most serious decline in assessed value from 2005 to 2006.

Eighty seven percent of our budget is salary and benefits. Those salary and benefits drive programs for kids.

If the evidence that I brought, in the case of value of homes within a half mile of this particular facility, would decline by 40 percent, within one mile 30 percent, within a mile and a half 20 percent, I am concerned about it could continue to decline in our district assessed value.

There was legislation passed in the last general assembly call a two percent surf breaker, which I believe, that for every district in this county, and for the taxing unit in this county, will further erode our needs of the kids.

So, I am here today to illustrate for you that dependant upon your actions, and if there is in fact a decline in property tax base, that will further create more challenges for our district to meet the needs of the kids.

I am a teacher, I am administrator, I am a superintendent, and so I thank you for your time this morning.

Barbara Cox, Richman, Indiana.

Mrs. Cox said, I live in Richman, Indiana and I was a residence here for 28 years. I am a third generation farmer.

I was raised around hogs. I was raised around cattle. So, I am not a city slicker. However, two years one of the large dairy, confined animal feeding operations was coming near my farm. I started researching and I have out so many things that concern me about the confined animal feeding operations. I would just like to mention a few.

There is a study by the National Association of Realtors and I can provide you with that information from an appraiser if it need be.

The American Public Health Association has asked for a moratorium on CAFO's. It mentions the air, all the ramifications from the CAFO's near the home.

Senators have put in bills for us. We are saying can exist if we have the proper regulations. At this point we do not have the proper regulations to provide and protect the citizens of Indiana.

I have been working closely with IDEM and the only they look at is water quality. I've called DNR and their response was, when your wells are sucked dry we will be there. That's not very reassuring to the people who are close by. IDEM does not address anything within the air. It needs air monitoring. The only thing IDEM cares about is water and I questioned the study, who did that Iowa study?

I am concerned with who will do the air monitoring, who will clean up, diseases, wells being dried up or contaminated, property devaluation and so forth.

Mrs. Cox presented the board with two reports to the board, Top Ten Facts on Antibiotics in Animal Agriculture and Health Risks from Water Pollution. These items on file in the Plan Commission office.

Gwen Castell, 10298 N St. Rd. 13, Elwood, IN.

Mrs. Castell said, I am a Real Estate Broker and Appraiser from Elwood in Madison County. I have been in the real estate business for the past 20 years.

There are three approaches to value in appraising real estate. The direct sales approach, the cost new less depreciation and the income approach. All three approaches may or may not be used in appraising real estate. Your most reliable approach to value is the direct sales approach or the market data approach.

The second is cost approach. Deriving at a cost of the improvements new, less depreciation, plus the land value.

The income approach. The income is derived from the subject project and establishing a capitalization rate.

During the process you look at an economic factor as well such as, negative factors. In appraising real estate we look at three depreciation factors. Physical depreciation, wear and tear for regular use and impacts from the elements, which is curable. There are also negative influences from outside the property. The construction and addition of a Confined Animal Feeding operation will have a negative effect to the surrounding properties and will affect the value and marketability of said properties. This affect may be represented in various ways, contaminated drinking water, ground water, air pollution, odor and gases and various health risk, etc.

All the above-mentioned factors would have an adverse affect on the value of the surrounding and/or adjoining properties. The lost to the neighbors could be significant.

I have no present or prospective interest in the properties involved and in rendering my opinion I have taken in to consideration the factors that may have an impact on the value to the subject neighborhood, subject properties and proximity of the subject properties to an adverse influence.

Joyce Barnard, 931 N 19th Street, Elwood, IN.

Mrs. Barnard said, I live three blocks away from Duck Creek and my concern is, the repeated flooding of Duck Creek and the animal waste that is brought with that flooding.

Mrs. Barnard presented some pictures of the flooding to the board members. These pictures on file in the Madison County Plan Commission office.

Mrs. Barnard said, I live between the farmland to the north and Duck Creek and I am right in the middle as are seven of my neighbors. The flooding of Duck Creek has impacted us all.

My neighbors and I would like to be protected from the pollution. I am living in the direct path of the manure run off from Duck Creek and I am concerned about my quality of life issues.

My house is currently up for sale and I think this will impact the value of my home. The storm waters drains south to Duck Creek and when Duck Creek fills up the water backs up and comes all the way back to the north again through the park, Edgewood school, all the way to the high school.

The manure run off is my concern as a homeowner and as a potential seller of that house. It's the health concerns of the manure run off.

Raenna Merritt, 1515 N "M" Street, Elwood, IN

Mrs. Merritt said, I live and work in Elwood, which is located to the proposed CAFO. A large corporation and Jarrett Farms own the CAFO.

We are very concerned about the quality of life, about enjoying the out of doors and odor. The will be odor.

In this area we have four schools, nursing home, an assisted living facility, several ball diamonds, pool, a skate park, a large sports practice area, out cities tennis courts, the national guard armory and many houses within one mile of this proposed facility.

The wind will carry the CAFO odor and dust in to this part of the city. If the board denies this they will be protecting homeowners and businesses within our county.

No one wants to live, work or buy next to an additional 8,000-pig farm.

Robert Fessler, 13612 N 700W.

Mr. Fessler said, this approximately one and half mile north of the place they are getting ready to put in.

Mr. Fessler said, our concerns are, when we moved out there 15 years ago we had farmland around us. We thought nothing would ever come out here. I only have just a little over three acres that I live on with farm ground all around me.

Now we have the threat of 8,000 hogs coming out here that are going to smell really bad. I know that because I live to close to the one located on 1500N. I pass it every day going to work.

The county road is the only thing that separates me from the land where they are going to apply the manure. That's why I am here today. I've got a lot to lose. My well, and everything.

Michael Tremble, 13830 N 700W.

Mr. Tremble said, my concern is, the quality of life, the odor and the one thing that really concerns me is the traffic.

My home adjoins this property and one of the routes they said, every one of those trucks would go by my home. That's 458 trucks.

Another concern is the manure run off. Another concern is the economic impact.

There are more suitable sites. I checked into the soil and its, Brookston and Crosby which is not good soil for drainage.

Who is going to repair the road and bridges that these 458 trucks are going to be traveling?

You on the board have an opportunity to stop this before it becomes a problem in our community.

Jerry Mays, 7867 W 1300N, Elwood, IN.

Mr. Mays presented an aerial map of the area to the board members. The aerial map is on file in the Madison County Plan Commission office.

Mr. Mays said, I live three quarters of a mile west of the facility.

My concerns are the same as what has already been mentioned.

One of my concerns was on the application of the manure. There is surface water flow and I am concerned with the run off and with standing water.

Cathy Goins, 7284 W 1300N, Elwood, IN.

Mrs. Goins presented the board with a plat map. This plat is on file in the Plan Commission office.

Mrs. Goins said, I do appreciate the Jarrett family's use of farm ground in the past years. I am glad the family is here to support Rick and his dad. He makes it sound like it's a big family farm and it has been a family farm. I'm not sure that there are still young generations coming up to the farm. I don't know that might be a question you might want to pose to him.

As you look at this map the blue area is the Duck Creek and down here is little Duck Creek. The green area is where the manure is spread based on the maps and the state application. And I should ask, have you all seen the state application to IDEM?

This is according to that and according to what was submitted to you as the County Zoning Board to permit.

The red line is a rough copy of this, which is from the County Surveyors office. This is the watershed line. Everything to the left of that red watershed line flows towards Duck Creek through the County drainage system.

This little red dot at the bottom is my house and the little dot to the right of it is where this proposed building site is.

I too am not an adjoining landowner therefore I was not deemed necessary to be informed of this a head of time. Had other good neighbors not told me this would have gone up next door to me with no knowledge, just as the one two miles north of me went up a year ago. I knew nothing about it until it showed up on the horizon. And yes the odor does travel two miles on occasions.

According to the State application there's a statute on notification that says, that you notify people of adjoining property and also anyone, you can include anyone that might be affected this. I don't know what criteria was used to determine that my house that is less than three tenths of a mile would not be affected, nor my farm which is straight to the west of this manure and drainage has a possibility of flowing would be affected.

Many of the comments that I planned to make today have already been addressed. I will just briefly touch on my personal perspective. Much of what I am going to say is just observation.

Some of it is a concern and most of it is questions that I am posing to you. I don't expect you to have the answer today.

Since the operation went in last fall, because your office staff did not have correct numbers we already have this in place. Now we've got an opportunity to do it again. At this time I would hope we would do it correctly and I thank Mr. Hershman for finding out this information and making sure the application permit did go through the proper channels. But, this time we need to make sure it is done right.

A couple of discrepancies that I noticed that are significant but they are discrepancies and I don't know why.

The State application says, 3,942,000 gallons of manure and it's calculated by 110 acres as what they are going to use. The letter that Mr. Jarrett submitted to you folks says, 3,800,000 gallons. When you get that close to four million gallons that's not a lot but it's different. I don't know what there would be a discrepancy if you figure one way I think that would follow through on all of your paper work.

Considering the fact that everything that they are doing is tracked as this one lady explained to us through their record keeping. It also says on the letter, she used 650 acres. I don't think that's, either one of those are significant points other than the fact they don't match.

The water usage, I found a table in the State application that says, 20,000 gallons every two weeks. I assume that's what they are saying will be used. That equals 2,000 gallons a week with the two buildings. Which calculates one quart of water per pig, per week. I am certainly not an expert on livestock. I know more about pigs in the last two weeks than ever in my life intended to learn. But I cannot imagine a pig can survive or thrive on a quart of water a week. So, is that a miscalculation or is that an accurate depiction.

I was a little concerned about the recommendations that came from your staff. They didn't provide you with answers to those a head of time and perhaps that's your format. If that's your format, and if that gets you the answers here, then that's fine, I just was a little bothered but there was a recommendation made and staff didn't have the answers.

Some of my questions about negative impact not addressed in the recommendation. Have you folks physically been to this location? You have, okay that's good. You can stand at that location and see McDonald's golden arches as I can from my porch. Is that a good location considering nearby residential growth and the development of the city at that corner. That is where intersection is --- I would assume they would have developed at 13 where Kotch's is. But the development is at that intersection. It has progressed nicely over the last few years. Is that going to continue or is that going to be hampered by other interest wanting to come in to the community that is concerned about the less measurable affects of a hog farm being there.

Property devaluation is absolutely huge. I have more information if you would like it but I believe you have already got the packets you were given before that explains that.

When you were out there did you notice all of the new homes? There have been a significant number of new homes between this intersection and the high school over the last four or five years. Some of them are barely a year to a year and a half old.

If this property is devalued at the statistics that I have studied indicate and that were explained to you earlier, have you considered the possible consequences to those homeowners? When their property is devalued throwing mortgage equity ratio out of balance. This is consideration that we need to be aware of the possibility. We depend on you as our government to watch out for us.

When you talk about the hog using the water, I have a DNR report that I would be glad to provide to you that says, the average, mature pig will consume 11 liters of water per day picking at 15 liters per day. That's a lot of water. That's 8,000 gallons of water a day coming from an underground source where my well and numerous other residences are likely drawing from. Have you or will you be talking to a hydrologist regarding that underground water and what this is going to do that impact existing wells of homeowners and tax payers.

Two new wells at 150 feet don't raise to may eyebrows but is there water there to generate the flow that's going to come out of these two new wells? And what's the impact going to be to me?

I heard everybody on both sides, I've heard talk about economic benefits in Madison County, and the lack of benefit to Madison County. I look at the roads. Are those bridges adequate? Weight wise, are they engineered to handle the number of trucks she mentioned earlier? That includes the hogs and the feed that also does not include the manure trucks. Those trucks are going to be coming in and out. From what I have been able to find out, from those trucks that apply this, haul about 3,000 gallons, which is about 24,000 pounds. When those trucks come in and out to take 3,942,000 gallons of manure that means they are coming in to that place 1,330 times and they are going out 1,330 times. That's over 2600 trips. Are we in a financial position to commit to maintain roads and bridges with that much traffic increase? Where is that money going to come from?

The cost to the county can be very expensive when you consider a trickle down affect. I will share this with you because this is my personal situation. My house is for sell. I will be selling it at the end of the year I am building a new home in Madison County. I am using a Madison County builder, Madison County Plummer, Madison County Electrician. My home furnishings will be purchased in Madison County so all those people will benefit from me building a new house and so will the county because it will be a new value assessed for taxation.

If my property value goes down because of the development of this new hog confinement less than three tenths of a mile away, I may decide I can't take that kind of financial hit. When that happens the county loses my current evaluation because it will be devalued. The county will lose the newest assisted valuation of the new home and all of these people who spend money and pay taxes in Madison County will not benefit.

Is putting a hog facility in and the amount of money that is going to generate tax wise, is that going to compensate for these other cost that we haven't really measured. The roads, the

bridges, lost opportunities to increase property values and lost wages and spend able income through the people that provide the services.

The manure management program, it was said they had long-term contracts for applying this manure to the acres. The contracts that are attached to the State application have a clause in them that they can be voided with 180-day notice. What happens when that happens? What happens if the person signed that contract dies and his heirs sell that farm to me or anybody else that decides that they do not want to accept that manure? Is it going to be stocked piled, is going to be hauled to another county? Those are concerns that I think that we need to address.

Along with this manure management program, do we have monitoring in place? Is anybody monitoring that outside of the family? Does anybody in the county go out and check how much manure, what is the ratio that's going on this field?

The dead pigs and compost unit, if those pig die usually there's a reason. Is it a disease, is it an accident, is it just a weak pig. If it's a diseased pig and it goes in that compost heap, which later is going to be spread across the fields, are we spreading a disease that has germinated and continued to build in a compost heap?

Potential health risk for living near a confined feeding operation. You can get on the Internet and you can find 5, 000 studies on each site of it.

Ten thousand hogs will produce waste equal vent to 72,000 humans. Elwood has a population of just under 10,000 people. These 8,000 thousand hogs and the 4,000 that are already two miles north of me will nearly twice as much waste as the entire city. We need to check how much and what nutrition's good and bad are going in to the soil.

Does permitting the operation for the benefit of one tax paper and the detriment of others create confidence in local government? I have copies of petitions that are signed by 355 members and residence in northern Madison County. (The petition is on file in the Plan Commission office).

We are pleading that you will be responsible to look in to all the facts and detail. I am not against farming, I am not against expansion of farming, I've lived on and been feed by a farm for over 30 years. I do not think confined animal feeding is the same as a conventional farm. There are many many statistics that talk about the fact that these confined operations do not have a positive economic impact.

As servants to the taxpayers I appreciate the time you give this. I appreciate the time you listen to us.

Do we need this in Madison County? Do we need this at the edge of the city limits of Elwood? Many states have already posed moratoriums on these because they let this happen prior to regulations and ordinances being put in place. They a mess and now they are cleaning it up. I would plead that you will look at this and get the county ordinances in the right place before we continue with this type of influx in to our communities.

It was the consensus of the board to take a five-minute recess (11:20:03 A.M.).

The meeting was called back to order (11:28:08 A.M.).

Sandra Gordon, 6568 W 1300N, Elwood.

Mrs. Gordon said, my property is adjacent to Mr. Jarrett's property. I live right on little Duck Creek. My concerns are what everybody else's is. I just found out about the 400 plus trucks going down my road, 1300N is not designed to carry that many trucks. I don't think this is a very good idea.

Lee Ann Mengelt, 4900 N 925W, Yorktown.

Mrs. Mengelt said, Mrs. Jarrett was my 4-H instructor. When I drove from Elwood out to Mrs. Jarrett's it was going out in to the country. This issue as it is in Delaware County got out in front of the commission. The CFO has been approved some how without the boards review. Without the boards understanding of what that involved. What I would like for you to review before you make a decision is IDEM's regulations. These are some of the least stringent in the country. That is why you see these farming operations rushing to the state. I believe the Jarrett's would be conscientious farming proponents however, the guidelines that they are asked to follow are not stringent at all. The monitoring by IDEM are far from adequate.

I encourage this commission to get their guidelines in place. To understand what these operations are going to bring before you make decisions. Once this is implemented what guidelines will you use for someone who comes in from out of state?

I am not here to make a choice on either side of this issue but it is a big one. This is a rule farming community and the responsibility for you is being notched up to a level that you have never seen before. I ask that you take that very seriously.

James Craig Wood, 167 E 191 Street, Westfield.

Mr. Wood said, I am an experienced live time grain and livestock operator in Hamilton County.

Mr. Wood said, do consider what the sector of Madison County contributes to your tax base. You're talking about financial assurance if there is clean up. You're talking about antibiotics. You can't survive in the business world if your not getting a good steward of your resources, a good steward of your management practices. Livestock in typically in confinement operations are given access to food, water and shelter because you have too. Often they live in better conditions than some the general public.

I would really hate to see you single out agricultural.

Faith Tremble, 13830 N 700W.

Mrs. Tremble said, I really don't have anything that hasn't already been addressed except I have a letter from someone who lives near a confined animal feeding operation. It's a letter submitted to me and to the board. (Letter is on file in the Plan Commission office).

Gary Reichart, 3812 W 1000N, Frankton.

Mr. Reichart said, I live on a farm in northern Madison County. The Jarrett's is a family farm and is something that is becoming very rare. I took a tour of their new confinement facility. Top of the line, state of the art. Really impressive. Mr. Jarrett informed me that he would like to build another one. I want to do this for my kids. I understand this and I am behind him fully.

John Simmerman, 3338 W St. Rd. 32, Lapel.

Mr. Simmerman said, I am a sixth generation farmer. We do have a family farm also. We produce hogs like a lot of other farmers in the county. As the business grew we also had to expand. So, in the early 1970's we started a confinement system and worked with IDEM back then. It has really matured in to great organization now.

I would like to defend IDEM. IDEM has been called today as very lackluster organization. I have seen it grow over 40 years. I am glad we have IDEM because through them we are assured that we build a building that's sound, for the animals and for the people and also for the water. Environmentally it's going to be a sound building. I like the regulations that they have. I don't want anybody around putting manure on top of the ground and just fanning it out either. I inject it and I use good common sense on when to do it. I like to notify the neighbors when it's done. I try to be mindful of the weather conditions. I keep all my records updated and yes they do look at those records every year and they are very concerned.

We do not have run off. We try to put it on at a rate that is used by crop for that year. We want to make sure we get that spread over as many acres as we can so we don't have to buy commercial fertilizer.

We have invested over three million dollars in the last 35 years. We market over 14,000 hogs with a value of 1,000,750 dollars a year. We also employ seven people on our farm. We pay 50,000 dollars in property taxes each year.

I am sure we generate a lot of manure also but like I say, we put it on at a great rate. We support 110 businesses in this county and only a few were mention and that's just within this county alone. Yes we are a family farm.

Disease, the wells were mentioned and that is always a concern. It's a concern of any livestock producer. We do it in a way that is safe. We don't to have leaks. We live on that farm. We check our wells.

We even have manure use contracts. We have farmers calling all the time wanting our manure because it is a lot cheaper to purchase. DNR I know has in the last year been out five times that I have seen on my own.

In my area we also have new housing starts. We have had our hog business there for years but they are still building around us and we have not had one complaint.

We try to be good neighbors and try to support county and our community. We are located about three fourths of a mile from Lapel and about one mile from the school.

Mr. Livingston, 6615 W 500N, Frankton.

Mr. Livingston said, I also have a farming business in the community and I appreciate IDEM and how they check us on a yearly bases. Also, once a year we have the EPA that checks us to make sure we do a good job.

Right now we ship about 8,000 to 15,000 gallons of milk a day which is half a million dollars in sales a month. The feed we buy in Madison County so all that money stays in Madison County.

We are responsible people. We also handle manure. We want to be an asset to the community and that's why we keep our farm neat and clean.

Mike Waymire, 6948 W 1550N.

Mr. Waymire said, I am about half mile north, northeast of the existing building. I go by that building at least twice a day. To this day I have yet to have any odor at my house. There is no noise.

Mark Sigler, 6730 W St. Rd. 128, Frankton.

Mr. Sigler said, I want to speak in support of the proposal by the Jarrett's. We have ground that we own, a family farm in Madison County that is actually on 1550N, which would be about a mile and a half straight east of their current facility. We also have ground on 1300N that is actually going to be straight east, about two miles from the operation that is proposed today.

We are grain farmers. Livestock industry is extremely important to grain producers. In Indiana the figures indicate that about 12 percent of the corn goes in to livestock. About eight to nine percent of soybeans goes in to livestock. So, if you take 12.9 percent of that production out of livestock feed it would have a big impact on us as grain farmers.

I would ask the board to make their decision on facts and not emotions. I respect the opinions of the people who have presented their views and their concerns today but I think the bottom line is, that you base it on facts.

Brad Buening, 484 S 550E, Greensburg.

Mr. Buening said, I am an employee of Indiana Farm Bureau and I am here on behalf of Indiana Farm Bureau. I am not here to say that this is or is not a perfect site. I have not reviewed the site.

Mr. Buening read to the board part of their policy with Indiana Farm Bureau. This was adopted by the delegate session last August 2005.

We are not here to say a CAFO is too large as indicated in some of the previous talks. This is something new. Madison County is not alone in dealing with this situation. I have been in almost 50 percent in counties since the beginning of the year on issues such as this. In the end is there are some regulation that need drafting I would offer my assistance and I have seen like about 40 some different counties and how they have approached this.

This is an agricultural area, it zoned that way, and it's been that way many years and you're looking at an agricultural use. I do support it.

Merle Taylor, Mayor of Elwood.

Mr. Taylor said, you have heard a lot of comments and a lot of concerns from people in this room. I have a lot of concerns for the city of Elwood.

What will this farm do to our water? What's it going to do to air control, I don't know? We need to look at this strongly and make sure we are right when you make the vote on whether to approve it or not. I have known the Jarrett family for years and have been good friends. But, I we've got citizens in Elwood that are very concerned. I hope and pray that you make the right decision on this. We've got infrastructure in Elwood and if this doesn't work out it's going to hurt our infrastructure. It's going to hurt the growth of Elwood. We have businesses that we are trying to locate out near that area. So, please look this over carefully and make the right decision.

Mary Jarrett, 7464 W 1500N.

Mrs. Jarrett said, this existing barn would be built on our property, the southern part of our property. There has been great progress as how to raise hogs. We have gone from pens for the pigs, to furrow houses and now we want to go to CAFO's, which is much better way to handle and take care of the hogs. This is the progress that has been taken to enhance the care of pigs.

I just thought it needed to be known how the care has been taken care of through the years and that the same care is taken in these pig farms.

Mike Jarrett, 3261 N 496W, Huntington, IN.

Mr. Jarrett said, this is my family and I was borne and raised on this farm. IDEM just a couple of months ago arrested a dairy farmer because he was not following the law. So, IDEM does regulate this quite a bit as far as dairy farms and the large swine farms.

I have heard a lot talk about the water and I think a lot of the problems is, the public of Elwood is just scared. They don't know a lot of information about these types of large operations so it is a lot of informational type thing for them right now.

When you live in the country, and the last I remember this is zoned agricultural, you know when you move out in the country you kind of take chance on what's going to happen out there because, if it's zoned agricultural your going to have farmers out there. And farmers build barns once in a while and they might mover cattle from one farm to another or hogs from one farm to another. Changes happen. Sometimes farmers have to make changes on what they do to make money now days.

The way farmers have to be more diversified you probably will see more applications for these types of operations. Who is going to protect the farmer? If you want to live in the city, live in the city and if you want to go live on the farm then that's part of it.

Cathy Goins said, I just spoke but I would like to say one more thing. I agree, when you live in the country you live in the country and occasionally you will get a whiff of ammonia and your going to get whiff of ammonia from a pig. I don't want somebody to move from town and tell me that we can't farm the ground late at night if that's what it needs because it make noise and wakes them up or there's dust that interferes with their picnic. We were there first. We're the farmers. This is not city people coming out telling a farmer how to farm and what they can and can't do. These are residences that are already there. Most people have been there for over 30 years. We want agricultural to stay. We don't want it to survive at our expense we want it to survive in a healthy, economic way.

Tony Bailey, 9052 N 500W, Frankton.

Mr. Bailey said, I agree with everybody else. If you live in the country, I am a farmer, but we all have rules and regulations to go by. Now, are the Jarrett's using the rules and regulations that are required of them? People are taking real estate out of production for housing. That's cutting in to our food sources.

If Jarrett's are playing by the rules they should be entitled to better their livelihood just same as anybody else. As long as they are doing something in a timely manner they should be aloud to do that if they are doing it in a proper way. They are doing everything with the knowledge that they have and with the technology that is available today to do the job right. So, I think they should be entitled and when you live in the country then you should live in the country and do as farmers do.

Kari Keller-Steel said, when Mrs. Goins discussed the IDEM application and the number of gallons. The way the IDEM application reads is, 20,000 gallons is used every 20 weeks to wash. That is simply to wash the rooms out. To disinfect the rooms so there isn't disease carried from one group to another. Pigs drink one gallon per pig per day on average. That is very much an industry standard.

The two and three thousand gallon trucks that she was discussing that they use to haul this manure is a very antiquated method to haul waste at this volume. Those types of trucks are used by the cities to haul bio-solids. Manure hauling conducted today is either through a manure tank that hauls any where between eight and ten thousand gallons. They would haul this tank by tank

and given the proximity of all Mr. Jarrett's application there is a very little likelihood he would need to put that on a semi to truck it any where. There is a possibility that there would be a tractor and manure hauler to transport that. Another possibility is a system we call a dragline system where they simply pump it straight out of the barn. It's almost like an umbilical cord that takes the manure strictly out to the tractor and is placed on the fields without it ever having to be placed on a truck.

Again I would stress the proximity of the land application ground would really reduce or eliminate the number of trucks that would be on the road physically trucking manure.

We have heard a lot of general comments about a lot of studies, about possible this and possible that and I would urge you to think about this particular site and are these generalizations really applicable to this site. I don't believe so in a lot of cases.

In particular I think the study that talked about property values that was submitted in your packet, honestly I didn't even address it because when you look at the study it's absolutely not relevant to the site. It's not near here. The social economic of the communities that were studied are nowhere near the Elwood communities. Also, it doesn't look at a similar type facility. I think it is a complete misnomer that no one wants to locate there. I think the devaluation of property is a non-issue.

This is an agricultural zone and your comprehensive plan strongly supports this use. It supports the preservation of agricultural.

Mr. Maxwell said, I was just notified that there's a legal drain that's actually on this property and is there going to be a buffer of some sort to keep anything from getting in that legal drain?

Mr. Shine replied, one of your manure spreading areas in on each side of that creek. That's a legal drain.

Kari Keller-Steel said, there is a setback that is mandated by the state. When we do injections there from surface water a 25-foot reduction and I believe Mr. Jarrett would probably stay in excess of 100 feet to 200 feet as is deemed necessary.

Mr. Randall said, it's what I have seen for some time, we now have a State Department of Agriculture and they are strongly promoting an increase in livestock production. An increase in swine production and an increase in CAFO's to boost the state income. We now have 11 people who spoke favorably towards this type of operation. That's all within keeping of what the state is now proposing officially in this line. Also, there is no here from another one of the swine operations here in the county here today that is within a mile of new Frankton Elementary School. There have been some housing permits issued I know between the new elementary school and that swine operation.

Pat Shooter, 967 W 375N, Anderson.

Mr. Shooter said, our farm is located a mile outside of Frankton. The first two barns were built in 1998 and the second two barns were built in 2003. The second two barns I actually own myself. For me that gave me the opportunity to come back to the farm. With the way things are going and competition and the price and expense of being on the farm and the gain farming there's not always that opportunity for individuals to come back to the farm. All four of our hog farms were in place when the new Frankton Elementary School was built. All the sports facilities are right there at the facility. There are all within a mile of our buildings. There have been three houses that up now that are within a half mile of the buildings and there is another piece of ground right next to those that they are going to build again this summer. People don't think it's that big of a deal. We never have neighbors complain. We feel that this is just a way for the Jarrett's or anybody who wants to do this to better their selves. I think this is a good opportunity for them and I think it should be done. I am very much in favor of it.

Brian Robertson, 6373 W 1300N.

Mr. Robertson said, my concern is, if they are going to use 8,000 gallons of water a day. His sister's house is on the corner. She's got a well. There's a house between me and his facility plus there's houses right behind it. What happens when our wells all go dry? Whose expense is that going to be?

By the way, it's not 458 trucks it's over 900 trucks because the same trucks are going to go to 1500N where his other facility is at. So, your going to double the truck traffic on 700 going up. That's another issue I have. The proposed route down 1300 to 700 the trucks will never make the corner. There's not enough room there.

Mr. Hobbs said, as far as water levels and the pumping of wells and lowering that water table and pumping level, IDEM has in place, it's a state law that guarantees anyone through a high pump age, if they actually impact their neighbors or additional wells in the area, they will come out and study it and whoever is accountable has to pay for whatever repairs and/or wells that need to be replaced. It is something that is regulated and there is protection there for individuals.

Mike Tremble, 13830 700N.

Mr. Tremble said, I'm a family farmer too. We've heard people get up here and I'm a family farmer, I'm a family farmer, I'm not against the Jarrett's making a living. I've got to make a living too. I had to take an off farm job to support myself. I'm not telling you to turn him down, it's just the site that he's putting it in. I think they have alternative sites to put it, which are better. And people have said in here that they've been kind of turned off of something that I have said about the soil. They even mentioned my name. This book, Madison County Soil, states that that building site is poorly drained. I just hope you consider these things.

Brad Simmerman, 9538 W St. Rd. 32.

Mr. Simmerman said, I plan on coming back to the family farm. You have to expand. There are rules and regulations and you must follow those rules and regulations. I see both sides on some things but it comes to me as rather clear. The Jarrett family is following the rules and

regulations. They are doing everything they can to accommodate the neighbors. The bottom line is, there's rules and regulations. They are simply following those and I think I am totally for the expansions and I believe it will bring good things to the community.

Ms. Baker said, I think we will declare the hearing part of this meeting closed at this time. I would like to entertain a motion for whatever the other board members would do.

Mr. Maxwell said, I would say, for Petition #467, I would make a motion with all the literature that we received today and the five pages I've written on comments, I would like to table this until the meeting in June. So, I can go over what I have and absorb it.

Mr. Hobbs seconded the motion.

The vote was four yes; Maxwell, Hobbs, Aubrey and Baker.

Mr. Randall said, do to the fact I cannot be here probably in June, I would say no.

The motion carried. **Petition #467 of Kenneth Jarrett, landowner, and Rick Jarrett, petitioner, for a special use for a confined feeding operation has been table until the June 27, 2006 meeting.**

Ms. Baker informed everyone Petition #467 will be acted on at the June 27, 2006 meeting but there will be no public in put at the time because we have closed the hearing part of that.

Mr. Shine said, the board still has the right to ask any questions of any of the participants if they so desire. But there will be no new evidence presented at that hearing.

4. Miscellaneous:

The board went back to item 2 under New Business, Petition #468 of Richard J. and Judith E. Sochacki.

Mr. Shine said, they have presented to us the copy of the newspaper advertisement and the certified mails. And as no one showed up in remonstrance this would entitle the board to reopen this petition.

Mr. Maxwell made a motion, seconded by Mrs. Aubrey to hear Petition #468 of Richard and Judith Sochacki at this time. The vote was unanimous in favor of the motion.

Richard Sochacki, 3185 S 300E, Anderson.

Mr. Sochacki said, we intend to raise apples and corn. We will be selling these fresh products at a roadside stand. This is our number one goal in our crops that we want to provide. If that's all that we are going to sell and if we could just depend on that for our income we wouldn't be here before the board today.

We do want to augment and diversify our sells so that we can generate some sells. So, we make our own products. We make apple pie filling, apple butter and applesauce. We have a food handler's permit from Madison County Board of Health. We use commercial kitchens in the area to product our products. We also have a retail sells license from the State of Indiana.

This is not our first step. This is our last step. We are an LLC. So, we have been working diligently in the last two years to prepare for this day. Again, we are grateful for the chance to be able to stand up and say, we are ready to do business, ready to augment the economy in Madison County.

We realize there are some issues that were not addressed in the packet. The first issue is parking. We have modeled our operation after Deercreek Orchard in Galveston, Indiana. They sell cider, donuts and a few craft items. They do not have a parking lot. They have a driveway that leads up to their store just like we are going to have. They have more traffic of US 35 than we will ever have on Co. Rd. 300E. But, they are able to handle the flow as to the way the customer comes in. However, I am not opposed to the fact or the possibility of providing parking and I have a document here that I brought to this meeting. There is more than ample space in two areas directly east of our house and also south and east of our house. There is ample parking for 30 to 40 cars in this area. If it becomes necessary we can put in some parking.

I am not aware of other orchards in the area that provide restrooms. We are fairly small. Our operation is intended to be in and out. I don't see the need for restrooms at this point. Maybe in the future if we have the potential of 6.66 acres we could develop if we saw the need to do that, an if the operation became bigger, perhaps restrooms would be necessary.

The shed will be directly adjacent to the house. It's about 12 feet north of our house. It's a 12' x 16' shed so it's a fairly small unit. That will be in front of the garage but it will not block the door.

We are not interested in teaching crafts but what we are interested in is being involved in the community, especially in the schools so if it's possible that we may have some tours at some point in the future. One of the things we would be doing is, making the connection between horticulture in a craft format. But as far as being a business as teaching crafts no, that's not what we are interested in. We are interested in selling apples and apple products.

Mr. Hobbs said, I don't think it's a problem selling those products, if you were to bring say buses of school children then I think you have a problem with your facilities be adequate as far as water and sewer. I'm not sure you the capability to handle that at this point.

Ms. Baker said, my concern when I was there was, I pulled in to your driveway as customer would do and in order to get out I had to back on to a larger street and that's illegal. Your suppose to have some kind of turn around. So, the parking I think in this instance is very critical in that we need to have some kind of parking so that cars do not back on to the street.

Mr. Sochacki said, we would be willing to put in that parking, we will be willing to put that in so people don't have to back up. We have not put gravel in yet because we are waiting to see if this is approved before we invest any more money in to this project.

We have trees that are now producing fruit and they are only a year old. For maximum fruit production it will be three years maximum on those and on the draft trees it will be three years on those. We do have couple of signs already in place and were not aware we needed any permits at the time they were placed. I am learning as we go.

We probably will be selling around 650 bushels a year. Now that is just what's gone on this ground not the other ground.

Mr. Maxwell said, the parking, you said you have enough yard for 30 or 40 vehicles but that's not an all season parking situation. Which goes back to the gravel or pavement or whatever because there are going to be times when you have people come in there --- I realize this business may have two or three cars at a time, I don't look for 40 or 50 cars to come in and buy apples all at one time. That is an issue. I wouldn't want to see any road parking along there because that's a narrow road. The turn around situation defiantly is a must if this is approved. That's a safety issue. It talks about no derby kept on the property. Also, anything that is generated from the business must be disposed of in an appropriate manner. Then the issues of the sign on the property down the road. You will need to get with the director on that issue so you can comply with the ordinances.

Mr. Sochacki said, I not asking for tour groups. That was in response to Mr. Hershman's comment about restrooms. I am not asking for permission to bring in tour groups. I am asking for permission for retail sells.

There were no remonstrators present.

Mrs. Aubrey said, I move to approve Petition #468 for a Special Use for agricultural related retail produce. It is not injurious to public health and safety. Property will not be a hindrance to your neighbors. Proposal is consistent with the Comprehensive Plan. However, stipulations are: Parking with gravel in place in the yard with a turn around before your open. Pavement within three years. Trash or a container is in place for all items to be contained and removed. Sign must be removed until permits have been issued. No tours of school of any groups until all regulations have been met with Board of Health or any other agencies. No roadside parking. Approvals from the appropriate Federal, State and local agencies need to be obtained before the business starts.

Mr. Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #468 of Richard J. and Judith E. Sochacki for a special use for retail sales of fruit, vegetables, candle and craft items, cider, donuts and coffee was approved.**

Mr. Maxwell made a motion, seconded by Mrs. Aubrey to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 1:18:36 P.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary