

The Madison County Plan Commission on the above date at 9:30 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, Brad Newman, Wesley Likens, and Mark Gary.

Members Absent: Alan Esche, Scott Tischler, John Orick and John Randall, Jr.

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 four members, Alan Esche, Scott Tischler, John Orick and John Randall, Jr were absent.

2. The minutes of the July 25, 2006, Special Hearing were distributed to each member prior to the meeting. Mr. Wilson made a motion to approve the minutes. Mr. Newman seconded the motion. The vote was unanimous in favor of the motion.

The minutes of the August 8, 2006, meeting were distributed to each member prior to the meeting. Mr. Newman made a motion to approve the minutes. Mr. Wilson seconded the motion. The vote was unanimous in favor of the motion.

Mr. Hershman informed the board he had a letter from Brian Tuohy, Attorney for the petitioners stating they were wanting to withdraw Petitions #450 and #451. (Letter on file in the Planning Commission office).

Mr. Likens made a motion, seconded by Mr. Newman to accept the letter of withdrawal for Petitions #450 and #451. The vote was unanimous in favor of the motion. **Petitions #450 and #451 have been withdrawn.**

3. **Petition #450 of D.B. Mann Development for Detailed Development Plan Approval for Summerlake Retail Center at Summerbrook.** This property is zoned “PD” and is located on the southwest corner of 800S and St. Rd. 13 in Green Twp. and contains 7.705 acres, more or less. Forwarded from Technical Review Committee with conditions. Board members to investigate: Randall and Maxwell. This petition was tabled at the May 9, June 13, July 11 and August 8, 2006 Planning Commission meeting. **Petitions #450 has been withdrawn.**

4. **Petition #451 of D.B. Mann Preliminary Plat Approval for Summerlake Retail Center at Summerbrook.** This property is zoned “PD” and is located on the southwest corner of 800S and St. Rd. 13 in Green Twp. and contains 7.705 acres, more or less. This plat contains three (3) lots. Forwarded from Technical Review Committee with conditions. Board members to investigate: Randall and Maxwell. This petition was tabled at the May 9, June 13, July 11 and August 8, 2006 Planning Commission meeting. **Petition #451 has been withdrawn.**

New Business

1. **Petition #481 of Simmermon Farms, Inc by John Simmermon to rezone property from “CR” to “AG” for a confined feeding operation.** This property is located on the southwest corner of Co. Rd. 925W and Co. Rd. 100S in Stony Creek Twp. and containing 202 acres, more or less. Forwarded from Technical Review Committee.

Mr. and Mrs. John Simmermon and their attorney, Phil Decker were present representing this petition.

Mr. Hershman said, various types of farming characterize the surrounding area. The site is a mix of fields, a house, barns and other structures related to the agricultural operations on the property. There is an existing swine operation in the near vicinity.

The request amounts to a down zoning of the property. There is AG zoned property on the north side of 100S and the east side of 950W and involves 4 properties or key numbers. The applicant is making the request in order to expand an existing hog operation on the site.

This is the first step in the process, if the Board of County Commissioners approves the request, the applicant will have to apply for a special use for a confined feeding operation.

The Technical Review Committee forwarded a recommendation for approval at its August 15, 2006 meeting.

Staff has received proof of proper notification.

Mr. Decker said, by asking for the zoning this will unify the zoning under one zoning classification. The Simmermon's are wanting to expand their hog operation. There are other swine operations in this area. One confined feeding building already exist and has for years. Any improvements made in the future they realize they will have to come back before one of the boards for approval. The 98 acres that lies along St. Rd. 32 will remain CR.

This is just a request to correct what was done in haste many years ago. This is an existing business and it needs to be one zoning.

Mr. Simmermon said, we have always farmed this ground. It was homesteaded in 1920.

The board was informed the ground was split in to CR when the county rezoned in 2002.

Mr. Simmermon said, we continued to farm the ground and had have livestock on the farm. We live on the farm and my parents live on the farm. The only problem with the CR zoning we can't expand.

I have talked to all the neighbors all away around and they have no problems with what we want to do. I have talked to the school and we have a letter from the school saying it is okay. I have talked to the Town of Lapel and they also have no problems. We have nothing negative about what we want to do at this point.

Mr. Hershman said, I have talked to the Town Council President of Lapel and he said they do not have a problem with what Mr. Zimmermon wants to do.

There were no remonstrators present.

Mr. Wilson said, I make a motion that we pass to the Board of Commissioners a favorable recommendation for the rezoning under Petition #481 and request it receive a favorable recommendation and pursuant to the recommendations of staff.

Mr. Newman seconded the motion.

The vote was unanimous in favor of the motion. **Petition #481 of Simmermon Farms, Inc by John Simmermon to rezone property from “CR” to “AG” for a confined feeding operation received a favorable recommendation.**

2. Miscellaneous

Mr. Hershman said, the first thing is for the field trip for the ethanol plant. It will be a one-day trip. It will be similar to the plant, which is being purposed here except slightly smaller.

We need to see who wants to go and set a date for it.

The ethanol plant has applied for rezoning of the property located between 1300N and 1400N and 100E in Monroe Township just north of Alexandria. It will be a rezoning to GI for an ethanol plant. It will go before the Tech Committee next week and then before the Plan Commission in October.

We will also extend an invitation to the members of the BZA to go on this field trip.

The board decided that September 20th would be the date for the field trip concerning the ethanol plant. Brad Newman, Bill Maxwell, Bill Hobbs, Paul Wilson, Mark Gary, Shirley Aubrey and Mary Jane Baker will probably be the members to go on the field trip but others are also welcomed.

The board was informed the Deputy Director of IDEM would be at the 4-H building in Alexandria October 28th, at 6:30P.M. and will take questions from the audience concerning the CAFO's.

Mr. Shine said, our recommendations for our committee on CAFO's was going to be made today. And do you want to set a public hearing?

A copy of the draft was passed to the board members.

We have had some concerns with the CAFO's rules and we have not come up with any unanimous recommendations but the general decisions of the committee has now been reduced to writing and are submitted to you today in draft form. This is only for CAFO's.

We thought we would have all of you review these and then this would be the bases of us conducting a public meeting. We are required to have a public meeting to discuss what are proposed changes may or may not be. Then at the public meeting we will get the public input and then we make a recommendation to the Board of Commissioners to change our ordinance in fact that's what we decided to do concerning CAFO's.

We felt that there were various inspections that would need to be made during the course of the CAFO filing and investigation before it came before the Plan Commission and/or the Board of Zoning Appeals.

There were two different approaches as to how those costs could be recovered.

Number one was having a substantial filing fee by the CAFO's applicant. It was discussed by the committee members that fee be approximately or the sum of \$5,000. Those funds are then placed in a dedicated account and would be used to pay for experts which we ourselves the Plan Commission, the Board of Zoning Appeals, and staff could hire.

The second was to have the developer or applicant to agree to provide certain funds to the county and then from those funds the county does hire and does pay toward the investigations.

We thought those two items could be discussed at the public meeting and get the public's opinion as to which they feel would be best. This should fall the applicant one way or another.

This is a BZA matter but Jarrett has requested we review some of the items that was placed up on him and those will be discussed at the next BZA meeting.

I think we need to review these drafts, set a special meeting and see if there are any changes.

After some discussion by the board it was decided not to set a special date for this hearing. There might be more input after the IDEM hearing on September 28.

Mr. Shine said, he would like to see this placed on the web site so people could see it and review it.

Mr. Wilson made a motion, seconded by Mr. Gary to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:59:10 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary