

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Board of Zoning Appeals

Commissioners Court – 2nd Floor DeKalb County Court House

Monday, December 11, 2023

6:00 PM

A livestream of the meeting can be found here: <https://tinyurl.com/YouTubeDCPC>

1. Call to order
2. Roll call
3. Approval of Minutes: October 09, 2023
4. Old Business: None
5. New Business:

Petition #23-15 – Copper Creek Rentals LLC, James Schmucker, requesting a Development Standards Variance to allow for a reduction to the required lot acreage for a proposed 1 lot subdivision. The proposed lot will be 0.77 net acres and 2 net acres is required. The property is located at 3920 County Road 46A, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-16 – Green Solutions of Northeast Indiana LLC., Wayne & Carol Klink, requesting a Use Variance to allow for compost facility. The properties are located on the north side of County Road 4, approximately one-quarter mile west of the intersection of County Road 4 and County Road 31, Ashley, Indiana and is zoned I1, Industrial/Business Park District.

6. Reports from Planning Staff, Officers, and/or Committees
7. Comments from Public in attendance
8. Adjournment

Next Meeting: January 08, 2024

If you cannot attend, please contact:

cgaumer@co.dekalb.in.us | (260) 925-1923

***PLEASE ENTER THROUGH THE NORTH DOOR OF THE
COURTHOUSE LOCATED ON SEVENTH STREET***

****Cellphones, tablets, laptops, & weapons are prohibited****

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday, October 09, 2023

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 6:00 p.m. in the Commissioner's Court of the DeKalb County Courthouse by Chairperson, Frank Pulver.

ROLL CALL:

Members present: Jason Carnahan, Frank Pulver, Rory Walker, and Larry Williams

Members absent: Mary Diehl

Staff Present: BZA Attorney, Andrew Kruse, Director/Zoning Administrator, Chris Gaumer, and Secretary, Andrea Noll

Public in Attendance: Greg Hartman

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Rory Walker to approve the Minutes of September 11, 2023, as submitted. None opposed. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Petition #23-14 – Gregory and Jennifer Hartman and property owners Dylan and Katlin Straub requesting a Development Standards Variance to allow for a reduction to the required lot acreage for a proposed 2 lot subdivision. They are also requesting a Development Standards Variance to allow for a pond to be constructed between the property lines of the property owners with zero setbacks between the interior property lines. One of the proposed lots will be 1.66 net acres and 2 net acres is required. The required setback for a pond is 40 feet from all property lines. The property is located at 0650 County Road 27, Ashley, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report.

Frank Pulver inquired about the Shared Pond Agreement.

Mr. Gaumer briefly explained what the agreement encompasses.

Andrea Noll, Secretary read the Agreement for the members.

Andrew Kruse commended the Agreement, specifically addressing the mutual use of the entire pond is important. He referenced another case he previously had, where there was an argument over who owned what part of the pond. Mr. Kruse advised that the law states, absent of an agreement like this, you just own the part of the pond that's on your property.

Mr. Pulver commented on a potential change of ownership, and if the new owners want nothing to do with the pond.

Mr. Gaumer advised that the property owners have to work together and figure out a solution to any future pond issues. It will not be the responsibility of the Plan Commission or the Board of Zoning Appeals to mediate the responsibilities of the pond.

Jason Carnahan commented on the Shared Pond Agreement, stating that a realtor should be aware of an existing pond agreement. Mr. Gaumer stated that the Agreement will be recorded, and information will be on the plat.

Mr. Kruse advised that the recorded document would be visible to any future potential buyer.

Mr. Pulver inquired about the pond being larger on one property than the other. Mr. Gaumer stated that it was an approximate location, because of where the proposed homes will be built.

Rory Walker inquired about what the Board of Zoning Appeals members would be voting on.

Chris Gaumer advised that the BZA would be voting on a reduction of lot area for one of the lots to be 1.66 acres instead of the required 2 acres and on the pond to be located over the common property line in between the two proposed lots. Mr. Gaumer clarified that they would not be voting on the Shared Pond Agreement or on the split of the two lots.

Jason Carnahan inquired about the Health Department being okay with the lot being less than the required 2 net acres. He also asked if there was an existing septic system where the trailer used to be located on one of the lots.

Mr. Gaumer advised that they were okay with the proposed net acreage and that he could ask the petitioner when he comes to the podium.

Andrew Kruse asked if the right of way could be counted in the net acreage. Mr. Gaumer confirmed that it could not.

Larry Williams inquired about the drainage for the pond.

Mr. Gaumer explained that ponds have to get approved through the Plan Commission office as well as approval through the Surveyor's office. Also, the Surveyor's office is who takes care of the engineering aspect of the pond and will meet with the property owners on site to determine where the overflow is, any potential overflow into a county ditch or tile, and that the water has a safe way to exit if the pond were to overflow. He added that the maintenance responsibilities are up to the property owner.

Frank Pulver asked who furnishes the property owners with that type of information.

Mr. Gaumer replied that the Surveyor's office does, and the property owners have to obtain a permit from the Surveyor's office before his office would release a permit for the pond.

Mr. Kruse commented on the engineering aspects of a pond.

Rory Walker commented on the size of the lot, as it pertains to the septic system.

Mr. Gaumer advised of a new law this year states the Health Department has to approve someone's discharge of waste, adding that the county requires two net acres, excluding right of ways and easements and that the Plan Commission amended the Unified Development Ordinance's lot requirement from one acre to two acres because of the Health Department's Ordinance of being two acres with two sets of soil borings. Mr. Gaumer stated that as of July 2023, Indiana law changed to state that the Health Department cannot exclude someone from discharging waste, by lot acreage, number of soil samples they need, etc.

Mr. Kruse verified that we had a stand-alone provision of two acres that's not necessarily contingent on a septic system or not.

Mr. Gaumer summarized that, if they should need a new septic system, state law currently states that the Health Department must approve a type of discharge for waste.

Mr. Kruse, Mr. Williams, and Mr. Carnahan all commented on the types of septic systems allowed in Indiana.

Mr. Pulver invited the Petitioner to speak.

Greg Hartman approached the podium to address questions from the board. He explained that the northern part of the land previously had a trailer and silo and that all of it has been demolished and the land has been leveled. He also stated that there is currently a well that they believe is usable and the previous septic system could possibly be used, but they haven't run the tests yet. So, they gave them a separate site to build a separate septic system if needed.

Mr. Kruse clarified that the separate site was located on the 1.66-acre northern lot.

Greg Hartman shared that the PERC Test showed that the soil is fantastic as far as drainage and no mound system is required for either lot. He also stated that a potential pond is years down the road and that there is a ditch that elevates to the road, so there would be no overflow of pond water onto the roadway.

Rory Walker inquired about any county tiles being present.

Mr. Hartman wasn't sure but stated that there was an old farmer's tile, nonregulated, that was installed a long time ago that runs diagonally across the property. He summarized that because the right of way dedication requirement is large, they couldn't evenly split the 5-acre lot.

Frank Pulver confirmed with Mr. Hartman that the PERC Test did come back with a conventional septic system for both lots.

Mr. Pulver and Mr. Walker both commented on the absence of a county tile.

Chris Gaumer affirmed that there are no county regulated drains, or they would have been shown on the provided aerial map.

Jason Carnahan commented on the drainage of potential pond overflow.

Mr. Pulver clarified with Mr. Gaumer that the drainage is not our issue to be concerned with.

Mr. Walker inquired about the direction of the drainage and the proximity of the location to the Ashley Town Sewer with Mr. Hartman.

Mr. Carnahan advised that there is a county drain to the east of the property on the other side of the road that runs north and south.

Mr. Hartman clarified that they're more concerned about getting the land divided into two lots rather than the installation of a pond.

Mr. Pulver determined there were no further questions from board members or the public, so he closed the public portion of the hearing.

Mr. Kruse went through the Findings for this petition with the board.

JURISDICTIONAL FINDINGS:

1. Application completed and filed on **September 7, 2023**.
2. Legal notice published in The Star on **September 26, 2023**, with the publisher's affidavit and receipt received.
3. Certificate of mailing notices were sent, and receipts have been given to staff.
4. Letter from the County Board of Health, dated **September 25, 2023**.
5. Letter from the County Highway Department, dated **September 13, 2023**.
6. Letter from the Soil & Water Conservation District, dated **September 8, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **September 22, 2023**.
8. Letter from the DeKalb County Airport Authority, **not applicable**.

FINDINGS OF FACT:

1. Will the approval of the variance request be injurious to the public health, safety, morals, and general welfare of the community?
Yes ()* No (X)
The reduction to the lot acreage to be less than 2 acres and the reductions to the setbacks for the pond will not be injurious to the public. The creation of 2 new buildable lots and the pond

location will provide fun and educational development for both property owners' families as well as added value to both properties.

2. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner?

Yes () * No (X)

The reductions to the lot acreage and creation of 2 new buildable lots and the addition of the pond will increase the property values.

3. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property?

Yes (X) No () *

The existing acreage, excluding the dedicated right of way, does not allow for 2 buildable lots that would meet or exceed the minimum lot acreage. The property owners also wish to share one pond with it being on both properties. With the size of the proposed pond, the setback requirements for each owner to have their own would result in a minimal sized pond. The property owners have an agreement that will be recorded if the Variance is approved for the cost/expenses, maintenance fees, and responsibilities agreed upon. They have written into the agreement contingencies if there should be a change in ownership, etc.

Conditions of Approval:

1. The Board retains continuing jurisdiction of this Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Variance to allow the reduction of lot acreage is approved.
3. A Variance to allow this pond to be created and split between the two properties is approved.
4. Provide proof of the recorded Shared Pond Agreement to the Zoning Administrator prior to proposed subdivision being docketed for the Plat Committee. The document number and a description of the agreement shall be put on the proposed plat, reviewed, and approved by the Zoning Administrator & Plat Committee. Staff shall work with the petitioner on the language for this condition.
5. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
6. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
7. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARDS VARIANCE, PETITION #23-14, IS HEREBY GRANTED APPROVAL ON THIS 9TH DAY OF OCTOBER 2023.

Motion made by Jason Carnahan, Seconded by Larry Williams.

Vote tally: Yes: 4 No: 0

Frank Pulver

Larry Williams

Jason Carnahan

Rory Walker

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 6:27 p.m.

Frank Pulver, Chairperson

Andrea Noll, Secretary

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 23-15
Date Application Filed: 11/1/2023
Fee Paid: 150 pd CL

**Application for DEVELOPMENT STANDARDS VARIANCE
(Section 9.09)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: JAMES SCHMUCKER
Address: 4993 CR 41
AUBURN IN 46706
Telephone Number: 260-310 2211 E-Mail: JHS4416290@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Zoning Classification of Property: A2 RESIDENTIAL

Overlay District of Property (if applicable): _____

Address or common description of property:

3920 CR 46A AUBURN IN

Legal description of property affected (or provide property deed):

ID # 17-10-03-400-015.000-009

What Development Standard are you seeking a variance for (setback, height, parking, etc.) and how to what extent (acreage, square footage, distance, number of lots, etc) BE SPECIFIC:

REQUESTING A VARIANCE FOR LOT ~~SIZE~~ SIZE
2 ACRES IS REQUIRED - LOOKING FOR A
VARIANCE TO .77 ACRES

**Standards of Zoning Ordinance requesting Variance from Developmental Standards from
(Zoning Section Number and/or Specific Section from Article 5):**

ARTICAL 2.06

The Applicant must answer the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.

- A. Will the approval of this variance request be injurious to the public health, safety, morals, and the general welfare of the community?

Yes () No (X) Why? Explain below:

USING FOR AG BARN STORAGE
WILL NOT HAVE SEPTIC

- B. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner if the petition is approved?

Yes () No (X) Why? Explain below:

RAILROAD BEHIND PROPERTY & ROAD INFRONT
DOESNT ALLOW ENOUGH ROOM FOR HOUSE

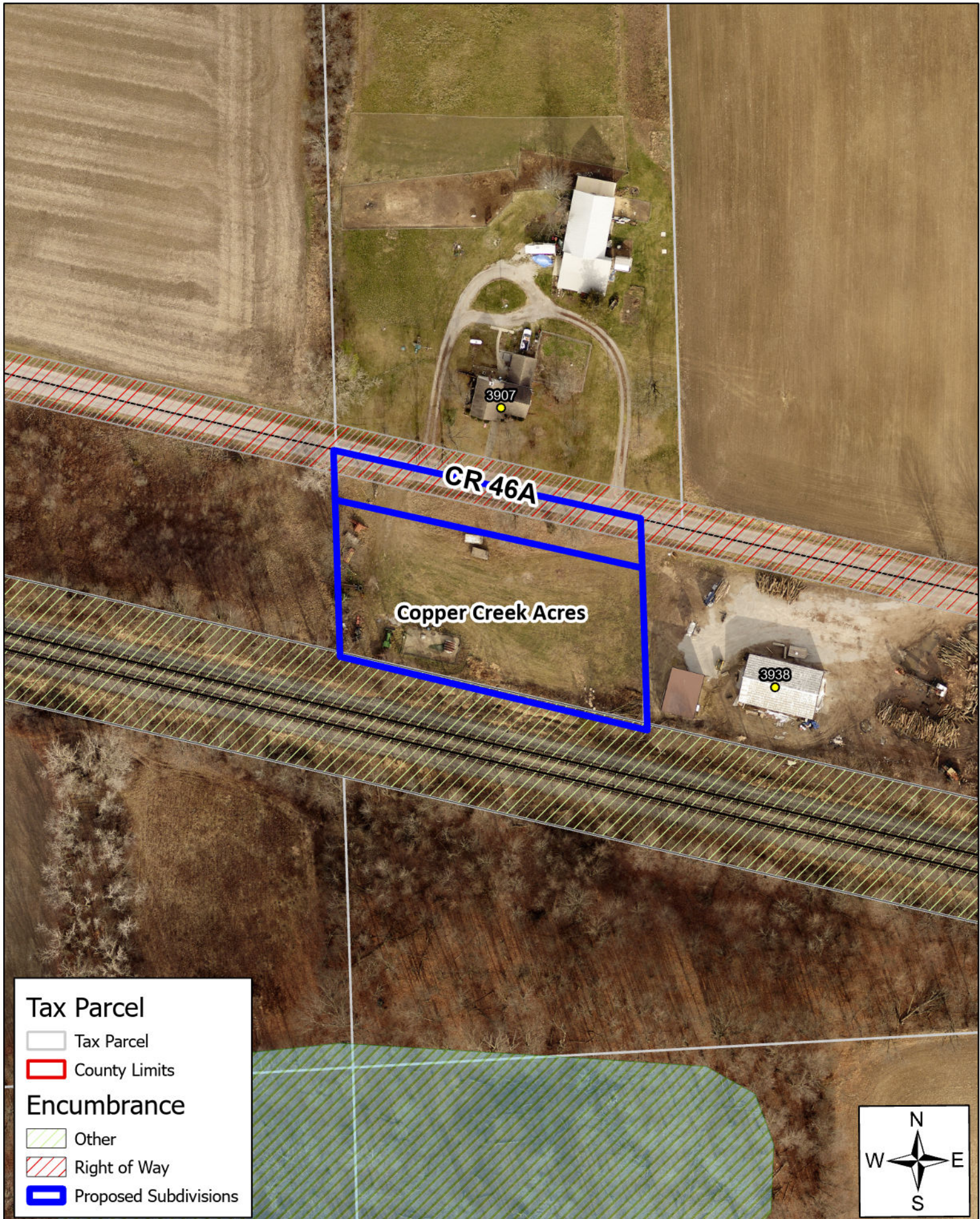
- C. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property involved in the petition?

Yes (X) No () Why? Explain below:

SEE ABOVE COMMENTS

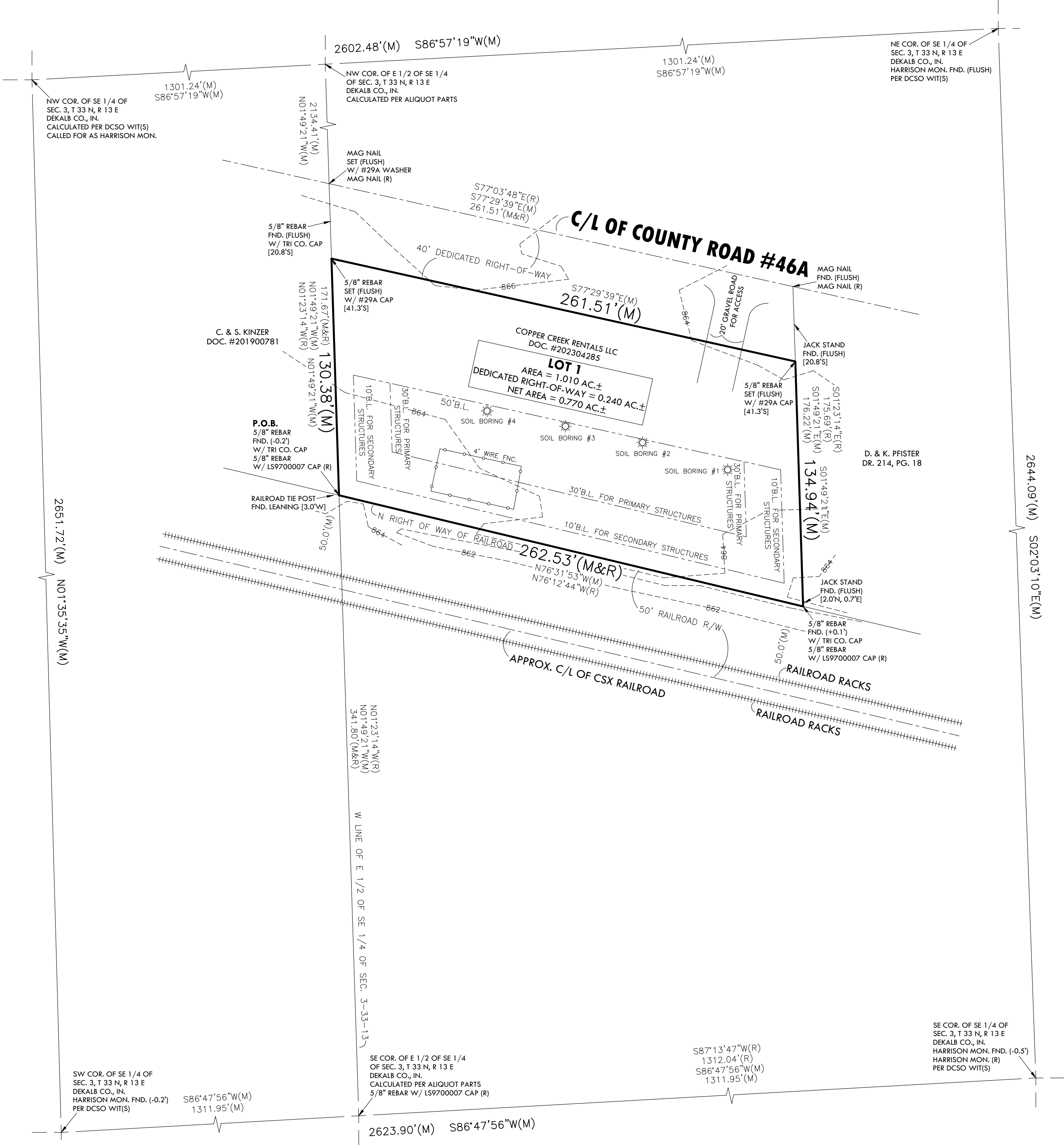
By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: James Schuchter
(If signed by representative for applicant, state capacity)

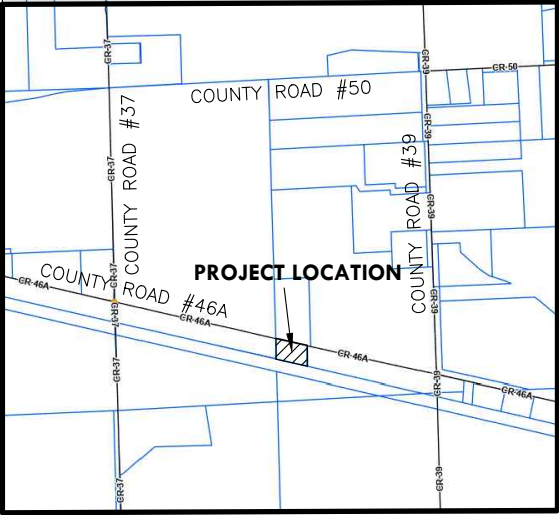


COPPER CREEK ACRES

AN ADDITION TO THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA



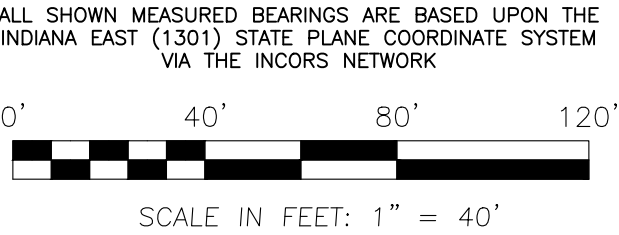
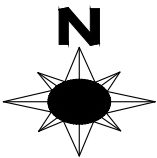
VICINITY MAP



PROJECT BENCHMARK:
ALL ELEVATIONS ON THIS PLAN ARE BASED
ON GPS OBSERVATIONS VIA THE INDOT
INCORS NETWORK AND ARE IN NAVD88 DATUM

☀ = SOIL BORING FROM
GME TESTING

ZONING INFORMATION
ZONE: A2 AGRICULTURAL
SETBACKS:
FRONT-50'
SIDE-30' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES
REAR-30' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES



ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

| | | | |
|------------|--------------------------------------|------------|--------|
| SCALE | 1" = 40' | DRAWN BY | J.M.J. |
| ISSUE DATE | 10/31/2023 | CHECKED BY | M.C.V. |
| SAVED FILE | OCTOBER 2023 12:48:13Z 23-08-133.PLT | | |

SURVEY NO.: 23-08-133
PLAT

COPPER CREEK ACRES

AN ADDITION TO THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

DESCRIPTION OF REAL ESTATE

The bearings and distances in this description have been generated using non state plane G.P.S. measurements collected during the surveying of Tri-County Surveying Job number 21-029.

Part of the Southeast Quarter of Section 3, Township 33 North, Range 13 East, located in Jackson Township, DeKalb County, Indiana, and being described as follows:

Commencing at the Harrison monument marking the Southeast corner of the Southeast Quarter of Section 3, Township 33 North, Range 13 East; thence South 87 degrees 13 minutes 47 seconds West (assumed basis of bearing) on and alone the South line of said Southeast Quarter, 1312.04 feet to a No. 5 rebar with plastic cap stamped LS9700007 marking the Southwest corner of the East half of said Southeast Quarter; thence North 01 degree 23 minutes 14 seconds West on and along the west line of said east half 341.80 feet to a No. rebar with plastic cap stamped LS9700007, on the North right-of-way line of the CSX Railroad, marking the point of beginning of this description; thence continuing North 01 degree 23 minutes 14 seconds West on and along said West line 171.67 feet to a mag nail on the center line of DeKalb County Road 46A; thence South 77 degrees 03 minutes 48 seconds East on and along the said center line 261.51 feet to a mag nail; thence South 01 degree 23 minutes 14 seconds East parallel with said West line 175.69 feet to a No. 5 rebar with plastic cap stamped LS9700007 on the North line of the CSX Railroad right-of-way; thence North 76 degrees 12 minutes 44 seconds West, 262.53 feet to the point of beginning containing 1.01 acre plus or minus.

SURVEYOR'S REPORT

In Accordance with Title 865, Article 1 Chapter 12, Section 1 through 29 of the Indiana Administrative Code, the following observation and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a **“Rural” Survey** (0.26 feet plus 200 parts per million) as defined in I.A.C. 865.

The purpose of this document was to perform a retracement survey of the lands of Copper Creek Rentals LLC as described in Document #202304285.

The Southeast, Southwest, and Northeast corners of the Southeast Quarter of Section 3-33-13 were established by a Harrison Monument found per the DCSO (DeKalb County Surveyor's Office) witnesses. The Northeast corner of the Southeast Quarter of Section 3-33-13 was established per calculation based on the Indiana East (1301) State Plane Coordinate System Via the INCORS network. The East half of the Southeast Quarter of Section 3-33-13 was established per calculation by aliquot parts as shown on plat of survey.

The Southwest, Northeast and Northwest corners of the subject parcel were established per record geometry. The Southeast corner was established by a called for Tri-County rebar found and held this survey. Using the established lines and distances creates a difference of up to 0.5 feet North-South being the difference of the East line of subject parcel's record distance compared to the called for monumentation held distance.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: As noted on the survey drawing. Record bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: See above discussion about the difference of the record distance compared to the called for monumentation distance. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: None noted.

CONTRACT REQUIREMENTS: Title 865 of Indiana Administrative Code 1-12-12 requires this survey be recorded in the Records Office of said County. Also, all surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

FLOOD HAZARD STATEMENT

This property is in Zone “X” (areas outside 100 year flood) as location plots by scale on Flood Insurance Rate Map 18033 C0234E and 18033 C0255E, effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Plat of Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

This is certified as a **“Rural” Survey** in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. The attached Plat of Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

PROJECT NOTES

- A. This Survey does not constitute a title search by Anderson Surveying, Inc (ASI).
- B. ASI has made no independent search or investigation for easements of record and not of record, encumbrances, restrictive covenants, land use regulations, ownership title evidence or any other facts that an accurate and current title dating back to the historical origin of the subject area may disclose.
- C. Subsurface and environmental conditions were not examined or considered a part of this Survey.
- D. This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

RESTRICTIVE COVENANTS

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I. C. 34-1-52-4.

This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.

No off site drainage, existing surface water or existing tiled water drainage crossing over said real estate be obstructed by any development on this site.

The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174- ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ACTS AMENDATORY THERETO, AND IN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLWS:

APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD ON THE _____ DAY OF _____, 2023.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State, this _____ personally appeared JAMES H. SCHMUCKER (A representative of Copper Creek Rentals LLC), acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____, 2023.

Notary Public
My Commission Expires _____

Printed Name

JAMES H. SCHMUCKER

DEED OF DEDICATION

I the undersigned JAMES H. SCHMUCKER (A representative of Copper Creek Rentals LLC), owner of said real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plat. The subdivision shall be known and designated as “Copper Creek Acres”, an addition to DeKalb County, Indiana.

All streets shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are hereby established as shown on this plat, between which lines and property line of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and marked, reserved for the use of local utility companies for the installation of utility lines subject at all times to the proper structures now to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

Witness our Hands and Seals this _____ day of _____, 2023.

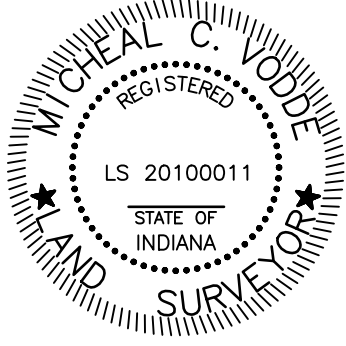
JAMES H. SCHMUCKER

Date: _____

CERTIFICATION

I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

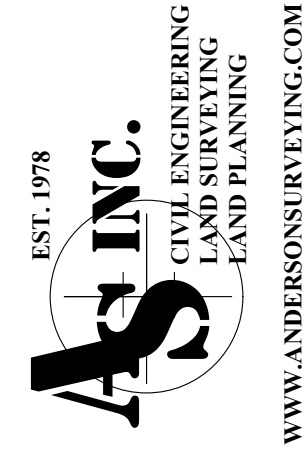
Field Survey completed the 31st day of October, 2023
Certified this 31st day of October, 2023
Prepared exclusively for: Copper Creek Rentals LLC /
Survey Number: 23-08-133



Micheal C. Vodde, LS# 20100011

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law - Micheal C. Vodde

SEE PAGE 1 FOR SURVEY DRAWING



ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

WWW.ANDERSONSURVEYING.COM

PLAT - The lands of Copper Creek Rentals LLC
County Road #46A Auburn, IN 46706
Pt. SE 1/4, SEC. 3, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

SURVEY NO.: 23-08-133

PLAT

| | | | |
|------------|---------------------------------------|-------------|--------|
| SCALE | 1" = 40' | DRAWN BY: | J.M.J. |
| ISSUE DATE | 10/31/2023 | CHECKED BY: | M.C.V. |
| SAVED FILE | OCTOBER 2023 12:48:133 23-08-133 PLAT | | |

This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

PROPERTY OWNER: Copper Creek Rentals, LLC, James Schmucker
SUBJECT SITE: 3920 County Road 46A, Auburn
REQUEST: Development Standards Variance
PURPOSE: To allow for a reduction to the required lot acreage for a proposed 1 lot subdivision
EXISTING ZONING: A2, Agricultural
SURROUNDING LAND North: Single Family Residential (A2)
USES AND ZONING: South: Wooded Lot/Farm ground (A2)
East: Pfister Tree Service storage (A2)
West: Wooded Lot (A2)

ANALYSIS:

UDO Standards: A2 Zoning District

2.06 Lot Area (Acreage): 2 net acres (not including any dedicated rights-of-way and recorded easements)

- The property owner is requesting to create a buildable lot. When properties are platted to create a buildable lot, the lot must meet the minimum lot acreage requirement – excluding any dedicated right of way or easements. The petitioner is proposing the lot to be 0.77 acres. Thus requesting a variance for 1.23 acres.
- The petitioner will be using the property for a personal storage building, which is a permitted use, but any structures on the property will never be able to have water plumbed to/from the parcel. A condition of approval has been added that states: “There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future” and this condition will be added as a covenant to the Plat.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Board of Zoning Appeals in filing appropriate forms and reports.

1. Application completed and filed on **November 1, 2023**
2. Legal notice published in The Star on **December 1, 2023** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 16, 2023**
5. Letter from the County Highway Department, dated **November 2, 2023**
6. Letter from the Soil & Water Conservation District, dated **November 2, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **November 3, 2023**
8. Letter from the DeKalb County Airport Authority, **not applicable**.

PROPOSED FINDINGS OF FACT:

*These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project. If any one of **your** answers is followed by an asterisk, under State Law (IC 36-7-4-918.5) and Section 9.09 G(3) of the DeKalb County Unified Development Ordinance you must deny the request.*

1. Will the approval of the variance request be injurious to the public health, safety, morals, and general welfare of the community?
Yes ()* No (X)

The reduction to the lot acreage to be less than 2 acres is not injurious to the public. The property will be used for personal storage only and a condition of approval has been added that states: "There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future."

2. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner?
Yes ()* No (X)

The reduction to the lot acreage may increase the property values in the area but should not have a negative impact on values.

3. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property?
Yes (X) No () *

The existing acreage, excluding the dedicated right of way, does not allow for 2 buildable lots that would meet or exceed the minimum lot acreage. The property owners also wish to share one pond with it being on both properties. With the size of the pond proposed, the setback requirements for each owner to have their own would result in a minimal size pond. The property owners have an agreement that will be recorded if the Variance is approved for the cost/expenses, maintenance fees and responsibilities agreed upon. They have written into the agreement contingencies if there should be a change in ownership, etc.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval for this Development Standard Variance and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Variance to allow the reduction of lot acreage is approved.
3. There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.
4. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
5. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Commitments of Approval:

Staff is recommending approval. If the Board assigns commitments, they shall be given, signed, and recorded with the DeKalb County Recorder's Office.

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 23-16
Date Application Filed: 11/9/2023
Fee Paid: 150 dk#
3121

Application for USE VARIANCE (Section 9.28)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: GREEN SOLUTIONS OF Northeast Ind. LLC.
Address: 3250 county Road 427
Waterloo IN 46793
Telephone Number: 1-260-602-9080 E-Mail: Ksmith@KLINK trucking. com

OWNER INFORMATION (if different from applicant information)

Owner's Name: WAYNE AND CAROL LINK (NOW HELD IN TRUST)
Address: SAME AS ABOVE
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Jeffrey A. Langbehn
Address: 13568 Kensington Place
Carmel, IN 46032
Telephone Number: 219-742-4445 E-Mail: Purdydog@aol.com

Legal Ad Payment & Public Hearing Notifications: Applicant __ Owner __ Representative X

Zoning Classification of Property: _____

Overlay District of Property (if applicable): _____

Address or common description of property:
PLEASE SEE ATTACHED LEGAL

Legal description of property affected (or provide property deed):
PLEASE SEE ATTACHED LEGAL

What use(s) are you requesting to have on the property and why:
IDEM Approved composting operation

Please provide the following information to the best of your ability if it pertains to your petition to the BZA. All of this information should be located on the site plan as well.

A. Lighting (if any):

1. Style: NONE
2. Height: _____
3. Location: _____

B. Signage (if any):

1. Dimensions: NONE
2. Materials: _____
3. Placement: _____
4. Lighting: _____

C. Hours of Operation (if any):

7 AM to 5 PM MON-FRI, Saturday 7-12 noon

D. Parking/Access (if any):

NONE

Parking Classification (office use only) _____

E. Landscaping/Buffer yards (if any):

Plans see Attached Drawing

Bufferyard Classification (office use only) _____

F. Number of Employees (if any): 2 (owners)

The Applicant must address the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA. Please answer each question and give reasons for your answer.

- A. Will the approval of this Use Variance request be injurious to the public health, safety, morals, and the general welfare of the community?

Yes () No (X) Why? Explain below:

NO ISSUES, THIS IS A Ag type of use.
THE material will be composted naturally
AND sold to the general public

- B. Will the use and value of the area adjacent to the property included in the Use Variance request be affected in a substantially adverse manner?

Yes () No (X) Why? Explain below:

NO adverse effect

- C. Does the need for the Use Variance request arise from some condition peculiar to the property involved?

Yes (X) No () Why? Explain below:

LACK OF current zoning classification

- D. Will the strict application of the terms of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the Use Variance is sought?

Yes (X) No () Why? Explain below:

NO EFFECT

- E. Will the approval of this Use Variance request interfere substantially with the Comprehensive Plan?

Yes () No (X) Why? Explain below:

NO EFFECT

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature:

(If signed by representative for applicant, state capacity)

 Esq. (Environmental consultant)

JEFFREY A. LANGBEHN ESQ.

13568 Kensington Place
Carmel, Indiana 46032
purdeydog@aol.com

Members of the DeKalb County Development Services,

Please find enclosed our application for a zoning Variance in the name of Green Solutions Of Northeast Indiana LLC.

The property in question is owned by Wayne and Carol Klink and has been assigned to their trust. The attached legal description will confirm their ownership.

This process is kind of unusual inasmuch as IDEM has already issued the permit for this facility and due to a technical correction we are coming before you to adjust the zoning as per the direction of your Director Mr. Christopher Gaumer. We have met with Mr. Gaumer and he is supportive of our petition.

This property will be accessed off of county road 427 just east of the Caseys gas and convenience store. All the property in question is owned by the Klink Family trust.

It is very important to understand this is an Agricultural process, Composting is and has been done in one way or another on every farm in operation today. In our permitted process, we are accepting organic waste ,as is deemed acceptable to IDEM , that comes from the natural environment ie leaves and bushes and grass, corn fodder as well as other agricultural waste products and combining it with waste cellulose fibers from the Paper recycling industry. Because the cellulose fibers are from an industrial process (paper recycling) the material must be identified as industrial waste.

This will be the third site we have permitted in the state of Indiana with like and similar material and the forth is expected to be issued by December of this year. The oldest one (in Valparaiso) has been operational for the past 9 years and has and continues to produce some of the highest grade topsoil available in the state today.

We have included the IDEM application so you can see what was applied for and what was issued. We have also included a engineered drawing of the facility showing the setbacks, Berms and all necessary engineering that IDEM has required.

In closing we hope this will answer a number of questions you might have and we look forward to meeting with you .



6525 ARDMORE AVE, FORT WAYNE,
IN 46809 (260)478-1990

The concepts, designs, plans details and specifications as shown on and within this document are the sole property of Brooks Construction Company, Inc. and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans, details or specifications shall be used or dissemination of any data herein may be made without the express written permission of Brooks Construction Company, Inc.



Green Solutions of Northeast Indiana, LLC

Location: County Road 4, Ashley, Indiana 46705

Prepared for: JICI Construction
319 Pokagon Trail, Suite A
Angola, IN 46703
(260)665-9384

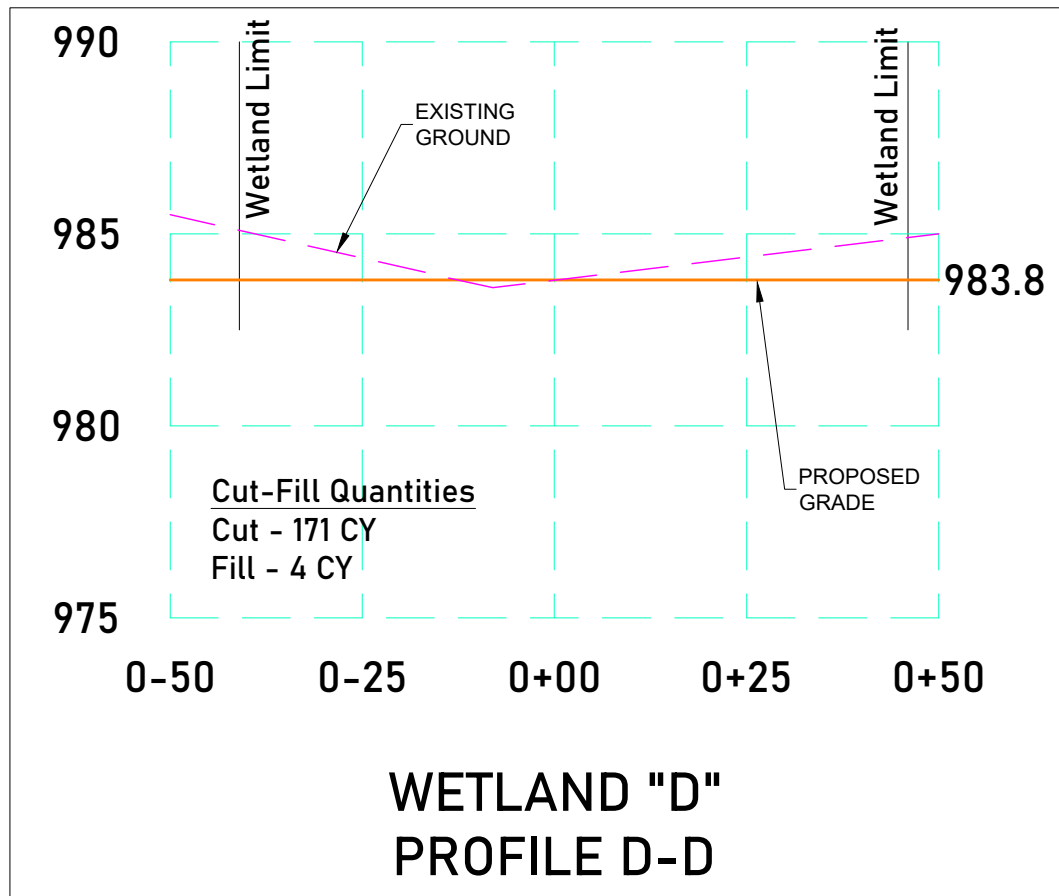
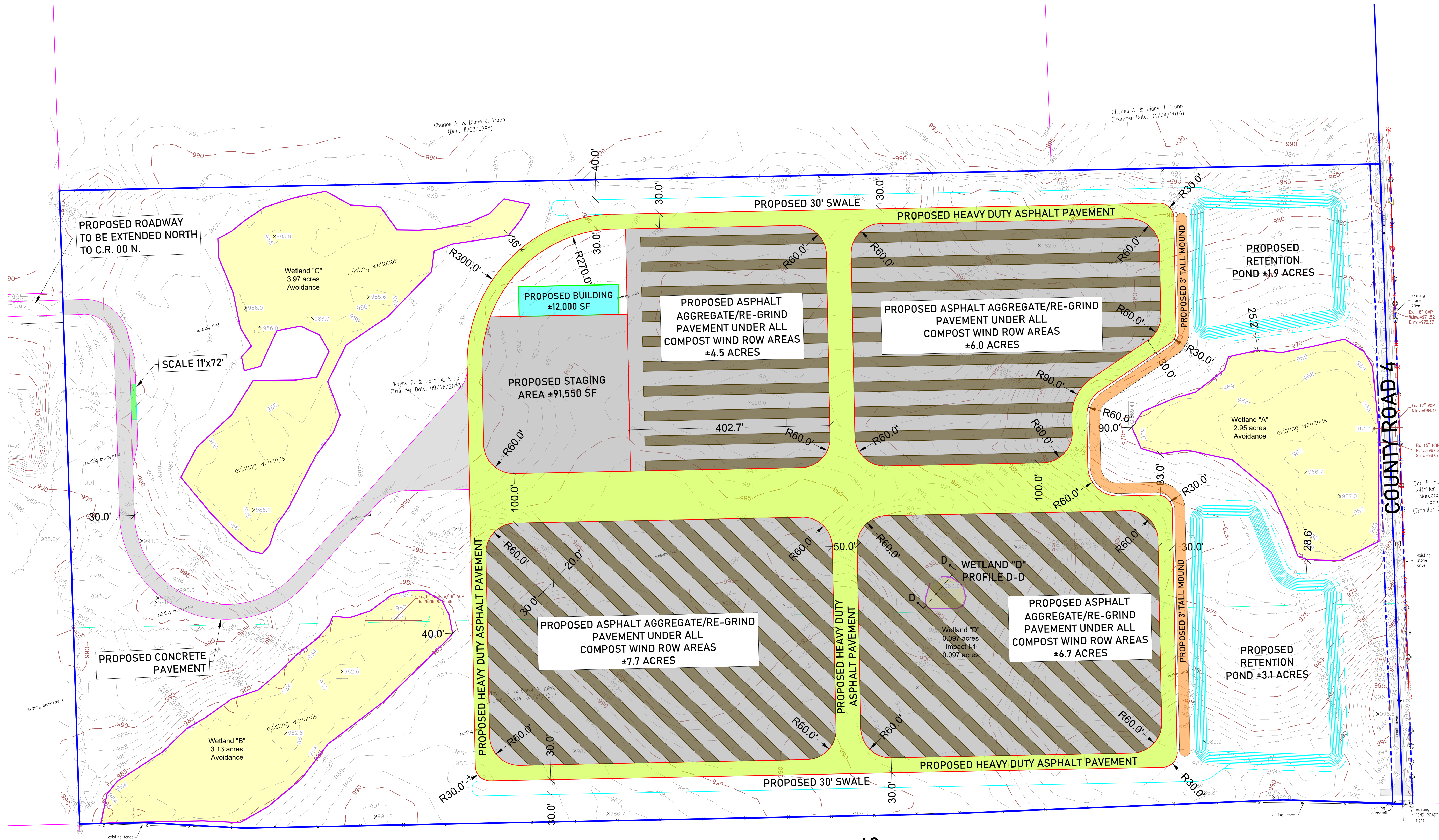
| | |
|-------------|------------|
| JOB NUMBER: | 722011 |
| DRAWN BY: | DLM |
| CHECKED BY: | JWH |
| SCALE: | As Shown |
| DATE: | 10/21/2022 |

| REVISION | DATE |
|--------------------|------------|
| 1-wetlands added | 04/18/2023 |
| 2-avoid wetlands | 05/05/2023 |
| 3-wetlands profile | 06/05/2023 |
| 4-mound | 07/13/2023 |

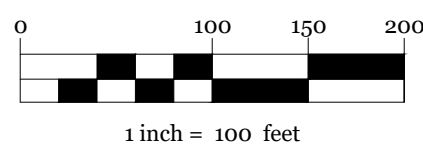
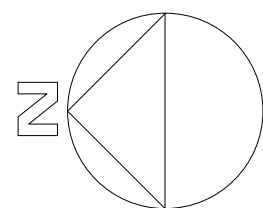
TITLE:
Preliminary Site Plan
Option 2A - Wetlands

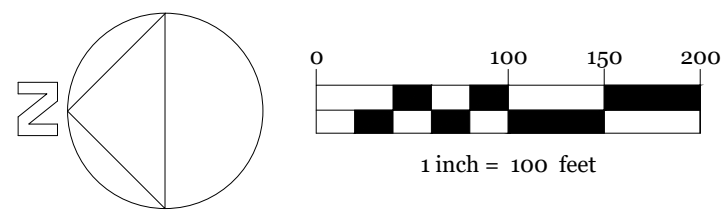
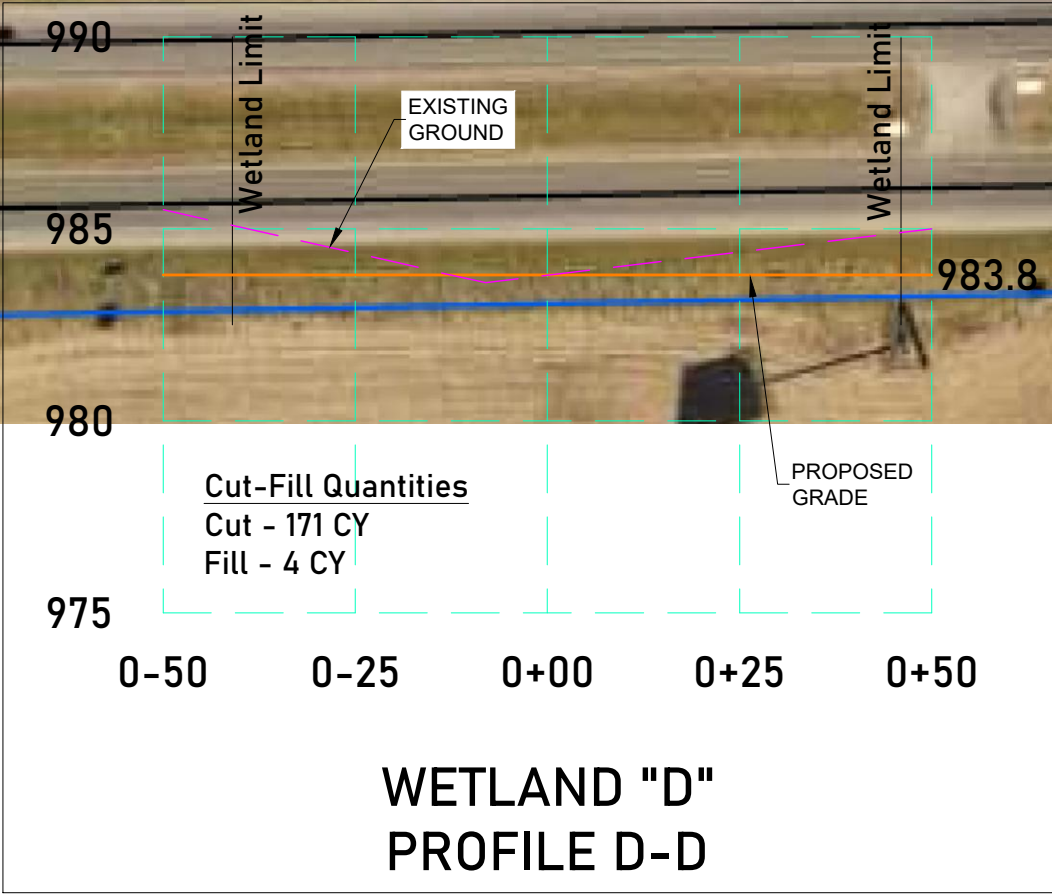
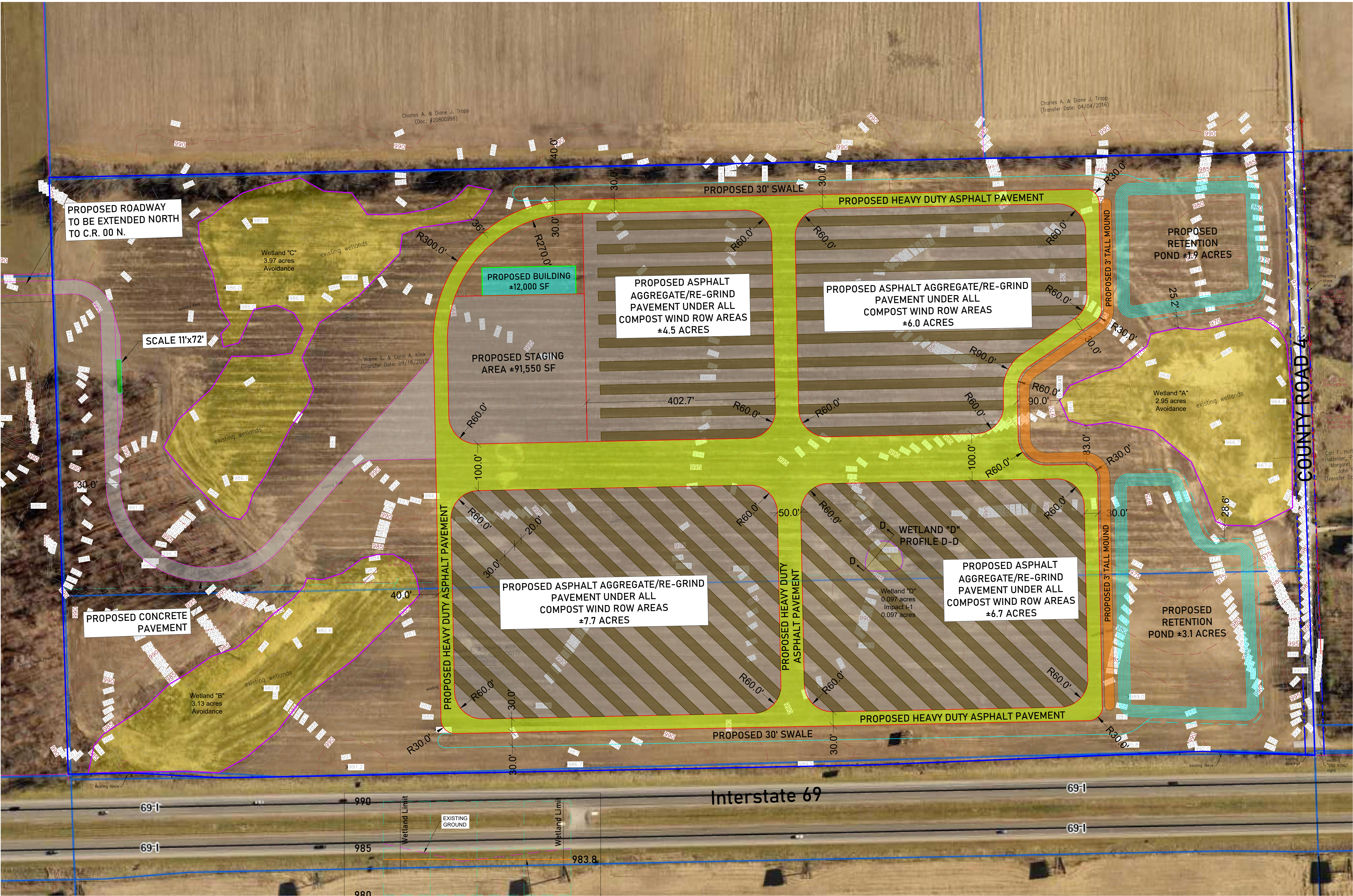
SHEET:

C-1.1



Interstate 69





6525 ARDMORE AVE, FORT WAYNE,
IN 46809 (260)478-1990

The concepts, designs, plans details and specifications as shown on and within this document are the sole property of Brooks Construction Company, Inc. and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans, details or specifications shall be used or dissemination of any data herein may be made without the express written permission of Brooks Construction Company, Inc.



Green Solutions of Northeast Indiana, LLC

Location: County Road 4, Ashley, Indiana 46705

Prepared for:
JICI Construction
319 Pokagon Trail, Suite A
Angola, IN 46703
(260)665-9384

| | |
|-------------|------------|
| JOB NUMBER: | 722011 |
| DRAWN BY: | DLM |
| CHECKED BY: | JWH |
| SCALE: | As Shown |
| DATE: | 10/21/2022 |

| REVISION | DATE |
|--------------------|------------|
| 1-wetlands added | 04/18/2023 |
| 2-avoid wetlands | 05/05/2023 |
| 3-wetlands profile | 06/05/2023 |
| 4-mound | 07/13/2023 |

TITLE:
Preliminary Site Plan
Option 2A - Wetlands

SHEET:

C-1.1



PERMIT APPLICATION FOR THE MARKETING AND/OR DISTRIBUTION OF INDUSTRIAL WASTE PRODUCTS

State Form 53514 (2-08)
327 IAC 6.1-5

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
Solid Waste Permits Section
Office of Land Quality
100 N. Senate Ave.
Indianapolis, IN 46204

INSTRUCTIONS:

1. For a new permit, or permit modification, this form must be completed, signed, dated, and submitted to IDEM at least 180 days prior to the proposed commencement of operation.
2. For renewal of an existing permit, this form must be completed, signed, dated, and submitted to IDEM at least 180 days prior to the expiration date of the existing permit
3. Submit original with signature and one copy, plus one additional copy for each affected county
4. Minimize use of folders, binders, sheet protectors, tab dividers, etc. Applications will be electronically scanned upon receipt

PART I. GENERAL INFORMATION

| A. APPLICATION TYPE (check one) | | B. PERMIT NUMBER | |
|--|---|---|--|
| <input checked="" type="checkbox"/> New | <input type="checkbox"/> Modification | <input type="checkbox"/> Renewal | Permit # (if renewal or modification): IN LA |
| C. APPLICANT INFORMATION (industry, company, etc.) | | | |
| Applicant: | | GREEN SOLUTIONS OF NORTHEAST INDIANA, LLC | |
| Name & Title (President, CEO, etc.): | | KIMBERLY J. SMITH | |
| Mailing Address: | | 3250 COUNTY ROAD 427 | |
| City: | WATERLOO | State: | IN |
| Telephone: | 260-602-9080 | Extension: | |
| E-mail address: | Ksmith@klinktrucking.com | | |
| ZIP: | | 46793 | |
| Facsimile: | | | |
| D. FACILITY INFORMATION (entity generating industrial waste product) | | | |
| Facility Name: | | SAME | |
| Mailing Address: | | SAME | |
| City: | SAME | State: | SAME |
| Telephone: | SAME | Extension: | |
| E-mail address: | SAME | | |
| Physical Location: | PLEASE SEE ATTACHED LEGAL | | County: DEKALB |
| ZIP: | SAME | | |
| Facsimile: | | | |
| E. MARKETING & DISTRIBUTION COORDINATOR | | | |
| Name: | | KIMBERLY SMITH | |
| Telephone: | 260-602-9080 | Extension: | |
| E-mail address: | Ksmith@klinktrucking.com | | |
| Facsimile: | | | |
| F. PUBLIC NOTICE CONTACT PERSON | | | |
| Name & Position or Title: | | KIMBERLY SMITH, REGISTERED AGENT | |
| Telephone: | 260-602-9080 | Extension: | |
| E-mail address: | Ksmith@klinktrucking | | |
| Facsimile: | | | |
| G. PERSON COMPLETING APPLICATION | | | |
| Name: | | JEFF LANGBEHN/STEVE CHRISTMAN | |
| Company: | | SPC CONSULTING LLC. | |
| Mailing Address: | | 6142 E HOPEWELL RD. | |
| City: | AVILLA | State: | IN |
| Telephone: | 219-742-4445 | Extension: | |
| E-mail address: | purdeydog@aol.com, stevechristman@gmail.com | | |
| Facsimile: | | | |
| ZIP: | 46710 | | |

PART II. MARKETING & DISTRIBUTION PROGRAM SUMMARY

A. VOLUME GENERATED

1. Total Industrial Waste Product Production Volume

Estimated total amount of the industrial waste product(s) generated annually by applicant, not including additives such as lime, kiln dust, yard waste, etc. used to produce a final marketable product. Exclude other waste streams not proposed for marketing and distribution.

10410 Dry Tons

2. Total Volume of Industrial Waste Product to be Marketed and/or Distributed

Estimated total amount of industrial waste product(s), including additives such as lime, kiln dust, yard waste, etc. to be marketed annually. Exclude other waste streams not proposed for marketing and distribution.

10410 Dry Tons

3. Volume of Industrial Waste Product Disposed by Other Methods (specify)

Estimated total amount of industrial waste product(s) to be disposed annually by methods other than marketing and distribution (i.e. land application, landfilling, etc.) Exclude other waste streams not proposed for marketing and distribution.

10410 Dry Tons

B. INDUSTRIAL WASTE PRODUCT QUALITY (Note: Answering "No" to any of the following questions disqualifies the industrial waste product from a marketing and distribution program.)

Do the industrial waste product(s) meet the definition of "dewatered" as detailed in 327 IAC 6.1-2-13?

☒ Yes ☐ No

Do the industrial waste product(s) meet the heavy metal limits detailed in Table 3 in 327 IAC 6.1-4-9(c)?

☒ Yes ☐ No

Do the industrial waste product(s) meet the PCB limit of 2 mg/kg on a dry weight basis detailed in 327 IAC 6.1-5-2?

☒ Yes ☐ No

C. NPDES PERMIT

If applicable, enter the permit number for any NPDES permit held by the applicant.

N/A

PART III. TREATMENT & GENERATION PROCESS DETAILS

Provide below a narrative description of the industrial waste product treatment and/or generation process. Include details such as, but not necessarily limited to:

- 1) the type of wastewater treatment process,
- 2) the number, type and volume of all treatment and storage units (digesters, holding tanks, etc.),
- 3) flow of industrial waste product(s) through all treatment and storage units,
- 4) any thickening units and decant points,
- 5) sampling points at which industrial waste product(s) is withdrawn from the system for marketing and/or distribution.

INCLUDE A SCHEMATIC DRAWING OF THE SYSTEM WITH THIS APPLICATION

THE ENTIRE INDUSTRIAL WASTE STREAM WILL INITIALLY CONSIST OF SMALL CELLULOSE FIBRES THAT COME AS A BY PRODUCT OF THE RECYCLING OF PAPER INTO RECYCLED PAPER FROM THE PRATT PAPER PLANT AND OTHER INDUSTRIAL WASTE PRODUCTS THAT IDEM MAY APPROVE OF FROM TIME TO TIME. DURING THE MANUFACTURING OF RECYCLED PAPER AND CARDBOARD, SOME OF THE CELULOSE FIBERS ARE TOO SMALL TO BOND INTO THE RECYCLED PAPER PRODUCT. IN THE PAST THESE FIBERS HAD BEEN LANDFILLED. THE MATERIAL IS ALL UNIFORM IN BOTH AND SHAPE AND QUALITY. THE QUALITY CONTROL AT THE PAPER PLANT IS QUITE RIGID AND OVER THE PAST TEN YEARS OF SAMPLING, CONTAMINATION HAS CONSISTANTLY BEEN LESS THAN .001%

THE MATERIAL WILL BE LOADED AT THE PAPER PLANT ONTO 18 WHEEL SEMI TRAILERS WITH WALKING FLOORS AND SHIPPED DIRECTLY TO THE COMPOST FACILITY. AT THE COMPOST FACILITY THE INDUSTRIAL WASTE MATERIAL WILL BE DEPOSITED IN LONG WINDROWS APPROXAMATLY 20 FEET WIDE BY THIRTY FEET TALL AND AS LONG AS 750 FEET LONG. THE INDUSTRIAL WASTE CELLULOSE MATERIAL WILL BE COMBINED WITH OTHER COMPOSTABLE MATERIAL (WOODY YARDWASTE AND GRASS AS WELL AS OTHER MATERIAL THAT MAY BE APPROVED BY IDEM FOR COMPOST) THE MATERIAL WILL BE PLACED IN THE WINDROWS WITH A RATIO OF 3 PARTS CARBON TO ONE PART NITROGEN TO ACHIVE THE PROPER COMPOST MIXTURE AND WILL BE MONITORED FOR TEMPERATURE AND MOISTURE. THE MATERIAL WILL BE TURNED AS NEEDED TO MAINTAIN THE OPTIMAL COMPOSTING ATMOSPHERE. THE COMPLETED COMPOST WILL BE CURED IN APPRXAMATLY 12-18 MONTHS AND WILL BE MARKETING AS LANDSCAPING AND SOIL ADDATIVES.

PART IV. MANAGEMENT PLAN

A. DESCRIBE HOW THE INDUSTRIAL WASTE PRODUCT(S) WILL BE MARKETING AND DISTRIBUTED

AFTER THE MATERIAL IS FINISHED (APPROXAMATLY 12-18 MONTHS) THE MATERIAL WILL BE SCREENED AND SOLD AS A LANDSCAPING OR SOIL AMMENDMENT TO VARIOUS END USERS.

B. DESCRIBE QUALITY CONTROL MEASURES TO BE UTILIZED

FROM THE PAPER PLANT TO THE FINAL PRODUCT THE MATERIAL IS KEPT ON SITE AND WILL BE TURNED 2-3 TIMES AS WELL AS SCREENED BEFORE GOING TO MARKET AND AT ALL TIMES CLOSLY SCRUTINIZED FOR ANY CONTAMINATION.IN THE EVENT OTHER MATERIALS ARE ASKED TO BE INTODUCED INTO THE COMPOSTING/ INDUSTRIAL WASTE MIX ALL MATERIALS WILL BE SCUTINIZED FOR ANY CONTAMINATION PRIOR TO INTRODUCTION INTO THE COMPOSTING OPERATION WITH A VISUAL EXAMINATION OF EVERY LOAD. ANY CONTAMINATED LOADS WILL BE DENIED ACESS TO THE SITE AND RETURED TO SENDER.

C. PROVIDE ADDITIONAL DETAILS ON STORAGE OF INDUSTRIAL WASTE PRODUCT(S). INCLUDE SETBACK DISTANCES FROM RESIDENCES AND PUBLIC BUILDINGS, SURFACE WATERS, WELLS AND OTHER STRUCTURES; LOCATION CRITERIA INCLUDING FLOOD PLAINS, SLOPES, WATER TABLE, SOIL pH AND OTHER LOCATION CRITERIA; INFORMATION REGARDING THE DESIGN AND CONSTRUCTION OF STORAGE STRUCTURES; AND NUISANCE CONTROL MEASURES

PLEASE SEE ATTACHED DRAWINGS, THE MATERIAL WILL BE PLACED ON A COMPACTED ASPHALT PAD THAT IS 12 IN THICK AND AND ALL SURFACE WATER IS ENGINEERED TO BE CONTAINED ON SITE. ALL APPROPRIATE SET BACKS WILL BE REQUIRED (SEE THE ATTACHED SITE PLAN) INCLUDING THE SETBACKS FOR BOTH SURFACE WATER AND SUBSURFACE GROUND WATER (PLEASE SEE ATTACHED WELL LOGS)THE SITE WILL MAINTAIN A SLOPE OF 2" PER 6 FEET TO MAINTAIN A PROPER DRAINAGE OF ANY FUGITIVE WATER ON ANY UNPAVED AREAS.

D. DESCRIBE PROCEDURES FOR ADDRESSING NONCOMPLYING PRACTICES BY USERS, INCLUDING WRITTEN NOTIFICATIONS OF THE PROPER USE OF THE INDUSTRIAL WASTE PRODUCT(S) AND OTHER APPLICABLE PROCEDURES

ALL MATERIAL SOLD AND LEAVING THE SITE WILL BE ACCOMPANIED BY A FACT SHEET EXPLAINING THE ORIGIN OF THE MATERIAL AND ITS ACCEPED USES, ALL USERS WILL SIGN A SHEET STATING THAT FAILURE TO FOLLOW AND MAINTAINN THE GUIDELINES SET FORTH IN THE TERMS OF USE WILL RESULT IN NO FUTHER MATERIAL BEING SOLD TO THAT ORGANIZATION OR INDIVIDUAL WITH NO EXCEPTIONS

E. OTHER APPLICABLE INFORMATION

THE COMPLETE OPERATIONS MANUAL IS BEING PREPARED (AND WILL BE PROVIDED TO IDEM) BY MR. STEVEN CHRISTMAN WHO IS ONE OF THE AUTHORS OF THE THE NEW SWANA NATIONAL COMPOST COURSE AND WHO HAS BEEN A NATIONAL INSTRUCTOR FOR COMPOSTING OPERATIONS FOR SWANA FOR THE PAST 20YEARS

PART V. CERTIFICATION

"Application is hereby made for a permit to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and to the best of my knowledge and belief, such information is true, complete, and accurate."

Refer to IC 13-30-6-1 through 5 for penalties for submission of false information.

A. SIGNATURE

D. SIGNATURE OF PERSON COMPLETING APPLICATION

B. PRINTED NAME AND OFFICIAL TITLE (print or type)

STEVE CHRISTMAN, JEFFREY A. LANGBEHN
ESQ.

Do you want the opportunity to review a draft permit prior to permit issuance?

☒ Yes ☐ No

C. DATE SIGNED

An application submitted by a municipality must be signed by a ranking elected official (mayor, town council president, etc.) or other duly authorized person. Documentation of such authorization must be submitted with the application if signed by someone other than the elected official.

An application submitted by a corporation must be signed by a principal executive officer of at least vice president level or their duly authorized representative. However, such representative must be responsible for the complete operation of the facility for which the permit is being secured (i.e., General Manager). In the case of a partnership or a sole proprietorship, the application must be signed by a general partner or a proprietor.

PART VI. ENCLOSURE CHECKLIST

A. MAPS *(check as applicable to indicate application enclosures)*

- ☒ Copy of USGS Topographic map or USDA NRCS Soil Survey map detailing physical location of facility generating the industrial waste product(s). *(not required for permit renewals unless facility has moved since previous permit was issued)*

B. LABORATORY ANALYSES *(check as applicable to indicate application enclosures)*

- ☒ Analysis of industrial waste product(s) for heavy metals (arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium and zinc, plus total solids). *(must be <1 year old, analyzed for total metals, reported on both a wet and dry basis and meet specific detection limits)*
- ☒ Analysis of industrial waste product(s) for nutrients (total nitrogen, ammonia nitrogen, nitrate nitrogen, phosphorus and potassium, plus total solids). *(must be <1 year old and be reported on both a wet and dry basis)*
- ☒ Analysis of industrial waste product demonstrating that the waste product is non-hazardous. *(optional if alternative documentation is provided)*
- ☒ Analysis of industrial waste product for volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). *(optional if alternative documentation is provided regarding the potential for these compounds to be found in the waste product)*
- ☒ Analysis of paper waste for 2,3,7,8-TCDD and 2,3,7,8-TCDF, plus total solids.
- ☒ Analysis of industrial waste product for PCBs and total solids. *(must be <1 year old, reported on both a wet and dry basis and have a detection limit lower than 2 mg/kg on a dry basis)*

C. MISCELLANEOUS DOCUMENTATION *(check as applicable to indicate application enclosures)*

- ☒ Letter from President, Corporate Officer, etc., delegating authority to sign this permit application to person who signed. *(optional, required only when person signing is not person in authority)*
- ☒ Schematic drawing of the treatment / generation process to accompany PART III Treatment & Generation Process Details description.
- ☐ Other (specify)

PART VII. PUBLIC NOTIFICATION DOCUMENTS

There are two points in the permitting process where public notice is required:

1. **Application submittal**: IC 13-15-3-1 requires IDEM to notify the board of county commissioners, the mayor and the town council president of any county, city and town, respectively, that is affected by the permit application.

Additionally, a notice will be placed by IDEM in the newspaper of largest circulation within the county or counties where identified application sites are located, where non site-specific land application activities are proposed, or where a marketing and distribution program will be operated. This notice informs the public that a copy of the application is available at the county library and provides a 30-day comment period for anyone wishing to provide comments on the permit application.

2. **Permit Issuance**: IC 4-21.5 (Administrative Orders and Procedures Act or AOPA) requires IDEM to give notice of its decision on your application to all potentially affected persons.

The following documents are provided to aid in the public notice process:

1. A form for providing a list of counties, cities and towns affected by the permit application. IDEM will provide notice of application receipt to these entities.
2. A form for providing a list of potentially affected persons

Record of Water Well

Indiana Department of Natural Resources

| | | | |
|----------------------|--|------------------------------|-----------------------------|
| Reference Number | Driving directions to well | Date completed | |
| 51878 | SOUTH OF SR4 ON CR31 .75 MI. E. SIDE - TRAILER | Apr 28, 1993 | |
| Owner-Contractor | Name | Address | Telephone |
| Owner | DEB COOK | 0127 CR31 ASHLEY, IN. | |
| Driller | SHIPE WELL DRILLING | 85 E 700S PLEASANT LAKE, IN. | |
| Operator | ROBERT SHIPE | License: 104 | |
| Construction Details | Use: Home | Drilling method: Other | Pump type: Submersible |
| Well | Depth: 170.0 | Pump setting depth: 77.0 | Water quality: CLEAR |
| Casing | Length: 166.0 | Material: GAL | Diameter: 4.0 |
| Screen | Length: 4.0 | Material: SS | Diameter: 3.0 Slot size: 12 |
| Well Capacity Test | Type of test: Pumping | Test rate: 8.0 gpm for hrs. | BailTest rate: gpm for hrs. |
| | Drawdown: 0.0 ft. | Static water level: 63.0 ft. | Bailer Drawdown ft. |
| Grouting Information | Material: BENTONITE | Depth: from 0.0 to 4.0 | |
| | Installation Method: POURED | Number of bags used: 0.25 | |
| Well Abandonment | Sealing material: | Depth: from to | |
| | Installation Method: | Number of bags used: | |
| Administrative | County: DEKALB | Township: 35N Range: 13E | |
| | Section: NW of the SW of Section 4 | Topo map: ASHLEY | |
| | Grant Number: | | |
| | Field located by: | on: | |
| | Courthouse location by: | on: | |

Location accepted w/o verification by:**on:****Subdivision name:****Lot number:****Ft W of EL:****Ft N of SL:****Ft E of WL:****Ft S of NL:****Ground elevation:****Depth to bedrock:****Bedrock elevation:****Aquifer elevation:****UTM Easting:****UTM Northing:****Well Log**

| Top | Bottom | Formation |
|-------|--------|--------------------|
| 0.0 | 12.0 | RED CLAY |
| 12.0 | 30.0 | GREY CLAY |
| 30.0 | 40.0 | RED GRAY |
| 40.0 | 96.0 | GREY CLAY & STONES |
| 96.0 | 110.0 | RED CLAY |
| 110.0 | 163.0 | GREY CLAY & STONES |
| 163.0 | 170.0 | GREY WATER GRAY |

Comments

Grant Number:**Field located by:****Courthouse location by:****Location accepted w/o verification by:****Subdivision name:****Ft W of EL:****Ft N of SL:****Ground elevation:****Depth to bedrock:****UTM Easting:****on:****on:****on:****Lot number:****Ft E of WL:****Ft S of NL:****Bedrock elevation:****Aquifer elevation:****UTM Northing:****Well Log**

| Top | Bottom | Formation |
|-------|--------|---------------------------|
| 0.0 | 2.0 | BROWN TOP SOIL |
| 2.0 | 17.0 | RED CLAY |
| 17.0 | 56.0 | GRAY CLAY |
| 56.0 | 60.0 | GRAY SAND & GRAVEL |
| 60.0 | 151.0 | GRAY CLAY & STONES |
| 151.0 | 168.0 | GRAY WATER, SAND & GRAVEL |

Comments

Record of Water Well

Indiana Department of Natural Resources

| | | | |
|----------------------|--|----------------------------------|-------------------------------|
| Reference Number | Driving directions to well | | Date completed |
| 390513 | CR 800 S & CR 31, SOUTH TO CR 4, EAST TO FIRST PLACE NORTH SIDE OF HOUSE #3281 | | Mar 22, 2005 |
| Owner-Contractor | Name | Address | Telephone |
| Owner | HERMAN BUCHS | 3281 CR 4 ASHLEY, IN | (260) 587-3537 |
| Driller | SHIPE WELL DRILLING, INC. | 85 E 700S PLEASANT LAKE, IN | (260) 475-5566 |
| Operator | BOB SHIPE | License: 104 | |
| Construction Details | | | |
| Well | Use: Home | Drilling method: Rotary | Pump type: Submersible |
| Casing | Depth: 168.0 | Pump setting depth: 124.0 | Water quality: CLEAR |
| Screen | Length: 164.0 | Material: PVC | Diameter: 5.0 |
| | Length: 4.0 | Material: S.STEEL | Diameter: 3.0 Slot size: .020 |
| Well Capacity Test | Type of test: Air | Test rate: 50.0 gpm for 1.0 hrs. | BailTest rate: gpm for hrs. |
| | Drawdown: ft. | Static water level: 95.0 ft. | Bailer Drawdown ft. |
| Grouting Information | Material: BENSEAL | Depth: from 0.0 to 140.0 | |
| | Installation Method: PUMPED | Number of bags used: 7.0 | |
| Well Abandonment | Sealing material: BENSEAL | Depth: from 0 to 20 | |
| | Installation Method: POURED | Number of bags used: 0.0 | |
| Administrative | County: DEKALB | Township: 35N Range: 13E | |
| | Section: SW of the SW of Section 4 | Topo map: ASHLEY | |

Grant Number:
Field located by:
Courthouse location by:
Location accepted w/o verification by:
Subdivision name:
Ft W of EL:
Ground elevation:
UTM Easting:

on:
on:
on:
Lot number:
Ft E of WL:
Bedrock elevation:
UTM Northing:

Ft N of SL:
Depth to bedrock:
Ft S of NL:
Aquifer elevation:

| Well Log | Top | Bottom | Formation |
|----------|-------|--------|---------------------------|
| | 0.0 | 2.0 | BROWN TOP SOIL |
| | 2.0 | 17.0 | RED CLAY |
| | 17.0 | 56.0 | GRAY CLAY |
| | 56.0 | 60.0 | GRAY SAND & GRAVEL |
| | 60.0 | 151.0 | GRAY CLAY & STONES |
| | 151.0 | 168.0 | GRAY WATER, SAND & GRAVEL |

Comments

Record of Water Well

Indiana Department of Natural Resources

| | | | |
|-----------------------|---|---|-------------------------------|
| Reference Number | Driving directions to well | Date completed | |
| 308115 | CR 700S & OLD 27 S TO 7630 WHITE 2 STORY ONE E SIDE | Apr 08, 1998 | |
| Owner-Contractor Name | Address | Telephone | |
| Owner | JACK TUTTLE | 7630 S OLD 27, AHSLEY, IN | |
| Driller | SHIPE WELL DRLG INC | 85 E 700S, PLEASANT LAKE, IN (000) 475-5566 | |
| Operator | ROBERT SHIPE | License: 104 | |
| Construction Details | | | |
| Well | Use: Home | Drilling method: Rotary | Pump type: Submersible |
| | Depth: 175.0 | Pump setting depth: 124.0 | Water quality: CLEAR |
| Casing | Length: 171.0 | Material: GALV | Diameter: 4.0 |
| Screen | Length: 4.0 | Material: SS | Diameter: 3.0 Slot size: .018 |
| Well Capacity Test | Type of test: Pumping | Test rate: 12.0 gpm for hrs. | BailTest rate: gpm for hrs. |
| | Drawdown: 0.0 ft. | Static water level: 80.0 ft. | Bailer Drawdown ft. |
| Grouting Information | Material: BENTONITE | Depth: from 0.0 to 4.0 | |
| | Installation Method: POUR | Number of bags used: 0.25 | |
| Well Abandonment | Sealing material: | Depth: from to | |
| | Installation Method: | Number of bags used: | |
| Administrative | County: STEUBEN | Township: 36N Range: 13E | |
| | Section: SE of Section 32 | Topo map: ASHLEY | |
| | Grant Number: | | |
| | Field located by: | on: | |
| | Courthouse location by: | on: | |

Location accepted w/o verification by:

Subdivision name:

Ft W of EL:

Ground elevation:

UTM Easting:

on:

Lot number:

Ft E of WL:

Bedrock elevation:

UTM Northing:

Depth to bedrock:

Ft N of SL:

Ft S of NL:

Aquifer elevation:

| Well Log | Top | Bottom | Formation |
|----------|-------|--------|-------------------|
| | 0.0 | 25.0 | RED CLAY |
| | 25.0 | 28.0 | RED GRAV |
| | 28.0 | 78.0 | GRAY CLAY & STONE |
| | 78.0 | 80.0 | GRAY GRAV |
| | 80.0 | 120.0 | GRAY CLAY & STONE |
| | 120.0 | 127.0 | CRS GRAV & STONE |
| | 127.0 | 165.0 | GRAY CLAY & STONE |
| | 165.0 | 175.0 | GRAY WATER S&G |

Comments

Record of Water Well

Indiana Department of Natural Resources

| | | | |
|----------------------|--|------------------------------|-----------------------------|
| Reference Number | Driving directions to well | | Date completed |
| 109172 | ASHLEY- E ON SR 4 FARM S SIDE HALF BETWEEN CR 31 AND CR 35 2ND HOUSE E OF I-69 S SIDE | | Sep 13, 1973 |
| Owner-Contractor | Name | Address | Telephone |
| Owner | BOB GARTZ | ASHLEY | |
| Driller | DON SHIPE WELL | RRT 1 PLEASANT LAKE IN | |
| Operator | DON SHIPE | License: null | |
| Construction Details | | | |
| Well | Use: Home | Drilling method: Cable Tool | Pump type: |
| | Depth: 152.0 | Pump setting depth: | Water quality: |
| Casing | Length: 148.0 | Material: | Diameter: 4.0 |
| Screen | Length: 4.0 | Material: | Diameter: 3.5 Slot size: 15 |
| Well Capacity Test | Type of test: | Test rate: gpm for hrs. | BailTest rate: gpm for hrs. |
| | Drawdown: ft. | Static water level: 75.0 ft. | Bailer Drawdown ft. |
| GROUTING Information | Material: | Depth: from to | |
| | Installation Method: | Number of bags used: | |
| Well Abandonment | Sealing material: | Depth: from to | |
| | Installation Method: | Number of bags used: | |
| Administrative | County: DEKALB | Township: 35N | Range: 13E |
| | Section: NW of the NE of the NW of Section 4 | | Topo map: ASHLEY |
| | Grant Number: | | |
| | Field located by: MFC | on: Jul 25, 1985 | |
| | Courthouse location by: | on: | |

Location accepted w/o verification by:

Subdivision name:

Ft W of EL:

Ground elevation: 1010.0

UTM Easting: 663616.0

on:

Lot number:

Ft E of WL: 1950.0 **Ft S of NL:** 100.0

Bedrock elevation: 858.0

UTM Northing: 4598886.0

Well Log

| Top | Bottom | Formation |
|-------|--------|------------|
| 0.0 | 80.0 | CLAY HARD |
| 80.0 | 84.0 | GRAV |
| 84.0 | 140.0 | CLAY HARD |
| 140.0 | 152.0 | WATER GRAV |

Comments

OWNER VERTIF 75' E 10'S SE CORNER OF HOME

Record of Water Well

Indiana Department of Natural Resources

| Reference Number | Driving directions to well | | Date completed |
|----------------------|--|----------------------------------|-------------------------------|
| 390513 | CR 800 S & CR 31, SOUTH TO CR 4, EAST TO FIRST PLACE NORTH SIDE OF HOUSE #3281 | | Mar 22, 2005 |
| Owner- Contractor | Name | Address | Telephone |
| Owner | HERMAN BUCHS | 3281 CR 4 ASHLEY, IN | (260) 587-3537 |
| Driller | SHIPE WELL DRILLING, INC. | 85 E 700S PLEASANT LAKE, IN | (260) 475-5566 |
| Operator | BOB SHIPE | License: 104 | |
| Construction Details | | | |
| Well | Use: Home | Drilling method: Rotary | Pump type: Submersible |
| Casing | Depth: 168.0 | Pump setting depth: 124.0 | Water quality: CLEAR |
| Screen | Length: 164.0 | Material: PVC | Diameter: 5.0 |
| | Length: 4.0 | Material: S.STEEL | Diameter: 3.0 Slot size: .020 |
| Well Capacity Test | Type of test: Air | Test rate: 50.0 gpm for 1.0 hrs. | Bail Test rate: gpm for hrs. |
| | Drawdown: ft. | Static water level: 95.0 ft. | Bailer Drawdown ft. |
| Grouting Information | | | |
| | Material: BENSEAL | Depth: from 0.0 to 140.0 | |
| | Installation Method: PUMPED | Number of bags used: 7.0 | |
| Well Abandonment | | | |
| | Sealing material: BENSEAL | Depth: from 0 to 20 | |
| | Installation Method: POURED | Number of bags used: 0.0 | |
| Administrative | | | |
| | County: DEKALB | Township: 35N Range: 13E | |
| | Section: SW of the SW of Section 4 | Topo map: ASHLEY | |

Location accepted w/o verification by:

Subdivision name:

Ft W of EL:

Ft N of SL:

Ground elevation:

Depth to bedrock:

UTM Easting:

on:

Lot number:

Ft E of WL:

Ft S of NL:

Bedrock elevation:

UTM Northing:

Aquifer elevation:

Well Log

| Top | Bottom | Formation |
|-------|--------|--------------------|
| 0.0 | 12.0 | RED CLAY |
| 12.0 | 30.0 | GREY CLAY |
| 30.0 | 40.0 | RED GRAV |
| 40.0 | 96.0 | GREY CLAY & STONES |
| 96.0 | 110.0 | RED CLAY |
| 110.0 | 163.0 | GREY CLAY & STONES |
| 163.0 | 170.0 | GREY WATER GRAV |

Comments

Record of Water Well

Indiana Department of Natural Resources

| | | |
|----------------------|--|------------------------------|
| Reference Number | Driving directions to well | Date completed |
| 51878 | SOUTH OF SR4 ON CR31 .75 MI. E. SIDE - TRAILER | Apr 28, 1993 |
| Owner-Contractor | Name | Address |
| Owner | DEB COOK | 0127 CR31 ASHLEY, IN. |
| Driller | SHIPE WELL DRILLING | 85 E 700S PLEASANT LAKE, IN. |
| Operator | ROBERT SHIPE | License: 104 |
| Telephone | | |
| Construction Details | | |
| Well | Use: Home | Drilling method: Other |
| | Depth: 170.0 | Pump setting depth: 77.0 |
| Casing | Length: 166.0 | Material: GAL |
| Screen | Length: 4.0 | Material: SS |
| | | Diameter: 3.0 Slot size: 12 |
| Well Capacity Test | Type of test: Pumping | Test rate: 8.0 gpm for hrs. |
| | Drawdown: 0.0 ft. | Static water level: 63.0 ft. |
| | | BailTest rate: gpm for hrs. |
| | | Bailer Drawdown ft. |
| Grouting Information | Material: BENTONITE | Depth: from 0.0 to 4.0 |
| | Installation Method: POURED | Number of bags used: 0.25 |
| Well Abandonment | Sealing material: | Depth: from to |
| | Installation Method: | Number of bags used: |
| Administrative | County: DEKALB | Township: 35N Range: 13E |
| | Section: NW of the SW of Section 4 | Topo map: ASHLEY |
| | Grant Number: | |
| | Field located by: | on: |
| | Courthouse location by: | on: |

GREEN SOLUTIONS OF NORTHEAST INDIANA

Master Operation Plan

County Road 800S, Ashley Indiana

Steven P Christman QEP SC
SWANA Certified, Manager of Composting Systems
SWANA Faculty

Table of Contents

| | |
|---|----------|
| COMPOSTING PROGRAM GENERAL INFORMATION | 1 |
| GENERAL OPERATION KEY ELEMENTS | 2 |
| • Recovery of compost feedstock | 2 |
| • Record keeping | 2 |
| • Excess processing capacity | 3 |
| • Hazards to processing equipment | 3 |
| • Potential contaminants to product | 3 |
| • Separation of incoming feedstock | 3 |
| • Organic material processing | 3 |
| • Mixing of compost feedstock | 4 |
| GENERAL OPERATIONAL PLAN | 4 |
| Composting - Decomposition (Stage One) | 4 |
| • Compost material storage | 4 |
| • Protection of the compost area | 5 |
| • Rate of decomposition | 5 |
| Carbon to Nitrogen ratio | 5 |
| Moisture control | 5 |
| Aeration | 6 |

| | |
|---|----------|
| Mechanical agitation or turning | 6 |
| • Destruction of pathogens | 6 |
| • Collection of field data | 7 |
| Composting - Stabilization (Stage Two) | 7 |
| • Organic matter stabilization | 7 |
| • Stabilization | 8 |
| OPTIONAL COMPOSTING CURING AND REFINING, STORING AND PACKAGING (Stages Three and Four) | 8 |
| Compost Curing (Stage Three) | 8 |
| • Curing | 8 |
| • Maintain aerobic conditions | 8 |
| • Permit heat loss | 9 |
| • Curing period | 9 |
| • Estimated composting time | 9 |
| Composting Refining, Storing, and Packaging (Stage Four) | 9 |
| • Percent moisture lowered | 9 |
| • Compost must be refined | 9 |
| • Storage space for finished materials | 10 |
| • Bulk products marketed | 10 |
| • Bagging requirements | 10 |

| | |
|--|-----------|
| COMPOST OPERATION “GOOD NEIGHBOR POLICY” | 10 |
| Good Neighbor Requirements | 10 |
| • Site assessment / rationale | 10 |
| • Develop master plan | 10 |
| • Public relations program | 11 |
| • Compost site appearance | 11 |
| • Access | 11 |
| • Site security | 11 |
| • Good odor management | 11 |
| Public Health, Safety and Environmental Protection | 12 |
| • Dust control | 12 |
| • Noise control | 12 |
| • Storm water | 12 |
| • Compost site supervisor | 12 |
| • Fire Protection | |

GREEN SOLUTIONS of NORTHEAST INDIANA

GENERAL INFORMATION

The Facility Green Solutions of Northeast Indiana is also referred to as Green Solutions for purposes and intent of this operation plan.

The operational model is that of volume reduction (particle sizing), windrow, and static pile composting of incoming organic material.

Customers of the compost facility may include commercial contractors, landscapers, solid waste service providers, cities and towns, tree companies, park departments and individual home owners. The site is operated on a Monday through Saturday basis with facility personnel. Staffing of the compost facility, especially gate security, is integral to a well managed and secure operation.

Key Elements:

Budget. Green Solutions has budgeted funds for the development and operation of the facility. These include:

- Purchase of appropriate composting equipment.
- Monitoring equipment.
- Contractual services for front end loaders, grinding, screening or other specialized materials handling needs is conducted on an as needed basis.
- Operators for equipment.
- Personnel to staff site during operating hours.

GENERAL OPERATION KEY ELEMENTS

Objective. To make compost by complying with biological, chemical, and physical property requirements of organic feed stock, and as a result produce, market, and sell an added value product made from a variety of feedstocks including naturally occurring organics, as well as organic waste meeting proximate analysis, while protecting public health, and the environment.

The following key elements provide general guidance for preparation of organic material for composting.

1. Recovery of compost feedstock. Short term initiatives for recovery of organic feedstock fall into three categories.

Self-Haul: Residents, landscapers, communities and contractors haul compostable materials directly to the compost facility.

Depot Collection: Residents, landscapers, and communities haul compostable material to a collection point. The material is later transferred to the compost site by contractor or solid waste service provider.

Commercial Organics: Tested, screened and delivered to the site as feedstock being part and parcel of the C:N ratio load.

2. Record keeping. Deliveries of materials should be carefully recorded for future reference and operation evaluation. Specifically, vegetative waste collected by communities shall be accurately determined. Relative amounts of woody materials, cellulosic materials or other organics shall be documented as well. Compost site supervisors will record incoming material and keep a daily log. Accurate as possible records are required to meet annual reporting requirements of the Indiana Department of Environmental Management (IDEM).

3. Excess processing capacity. Provisions should be made to receive and store about one-weeks volume of incoming feedstock, especially woody or cellulosic materials, to provide surge space for fluctuations in deliveries and composting operations that might be caused by natural disasters or weather conditions.

4. Hazards to processing equipment should be identified and removed. Foreign materials should be identified and removed prior to mechanical processing. These include gas canisters that can explode, hazardous materials in containers, ferrous and non-ferrous objects, tires, vehicle batteries, white goods, and wood pallets. **All incoming loads are to be inspected & screened during all operating hours.**

5. Potential contaminants to finished product, both of a chemical and physical nature, shall be removed. All Commercial organics require a “proximate” analysis before any scheduled delivery. Pre-processing sorting and recovery of hazardous materials is not 100% reliable and provisions must be made to receive some amounts of these materials, and to find and remove them to the extent necessary to comply with compost product standards, and operational regulation.

6. Incoming feedstock shall be segregated by material type and size. All materials entering the compost site shall be kept separate for recipe building purposes. Grass clippings, for example, may be separate from leaves (if/when appropriate). This will ensure that operational objectives will be met. Woody materials shall be separated by two types. Very large logs and stumps shall be kept separate from smaller (up to 6 inch) diameter material. In all cases, the compost site supervisor shall instruct customers where to deposit materials. This requirement applies to all compost site users - public and private. Woody material larger than 6” may be sold as fire wood.

7. Organic material processing. Particle size reduction can be achieved by grinding, using a hammermill (tubgrinder) or depending on material by stirring & mixing. Safety precautions shall be taken including (but

not limited to) keeping compost site users away from the equipment. Long term provisions for mechanical screening will be considered. Screening would result in a more uniform material texture and rate of decomposition, and is critical to ensuring the best quality and is key to a successful Marketing and Distribution Plan.

8. Mixing of feedstocks, Recipe Building, Secure Stockpiling etc.
Any material handling shall be conducted by trained site personnel only. This will ensure the proper carbon to nitrogen ratio (C:N) which should be 30:1 by weight. Feedstock analysis including other parameters is conducted as needed to monitor and maintain optimum in-situ conditions for controlled decomposition (in addition to C:N) such as temperature, moisture, and oxygen,

OPERATIONS PLAN - GENERAL

COMPOSTING - DECOMPOSITION (Stage One)

Objective: To make compost from organic materials. To reduce weight, volume, and water content, to destroy volatile organics which produce odors, to biodegrade toxic organics, and to kill pathogens and weed seeds, by partially decomposing the properly prepared, heterogeneous fresh organic material, and transforming it into compost at a maximum rate (via current technology approach) through carefully controlled decomposition. Make compost by complying with biological property requirements, and as a result producing, marketing, and selling an added value product made from waste while protecting public health, and the environment.

1. Compost material storage/processing. Organic material delivered to the facility shall be mixed “in recipe” and placed in windrow upon arrival to the site. There, windrows shall be constructed with dimensions approximately 8-10 feet high with the base distance of 16 - 24 feet. Space between rows is to provide adequate fire protection and operating room for processing

equipment (ie. windrow turner and/or front-end loader) but should be minimally 20 feet. Orientation of the windrows should allow for positive gravity drainage along side and away from the windrows. The composting pad for the Green Solutions facility is approximately 800 feet by 1800 feet, 30 acres more or less. The pad is to be minimum of 14 inches in thickness and constructed of a course aggregate base followed by recompacted asphalt commonly referred to as “regrind”, a recycled product. Experienced asphalt industry experts indicate this configuration meets or exceeds a 1×10^{-6} cm/sec., permeability.

2. Protection of the compost area. Only acceptable organic materials shall be allowed in the compost site. Any odors will be minimized by compost operating guidelines. Generally accepted industry odor control measures are to be standard operating procedure at this facility. Long term storage of composting materials also includes fire control, odor control, and surface water management practices. Leachate shall be managed by providing appropriate detention areas if necessary. In all such cases, final determination for this need shall be made by appropriate personnel, consulting local and state regulation.

3. Rate of decomposition. The rate of decomposition should be maximized by optimizing the following parameters:

Carbon to Nitrogen Ratio: The C:N ratio of feedstock should be in the range of 25:1 to 40:1 by weight. C:N ratios below 25:1 will cause ammonia formation and other odors. Odor control measures such as (but not limited to) generally accepted sound operational practices, and (for example) utilizing deodorizing mists or sprays while turning windrows will be implemented when necessary.

Moisture control: Moisture is necessary to sustain microbiological activity and should generally be controlled between about 45 to 60% by total weight. Percent moisture either lower or higher than this range will cause a reduction in the microbial activity and lengthen the time required

to complete the composting process. Percent moisture above 60% can also create leachate thus creating a liquid management problem. The capability to add moisture throughout the windrows at any time during the composting process should be provided. However, climate conditions in Northeast Indiana, under normal weather patterns, should provide appropriate moisture through normal rainfall.

Aeration: Aeration of the composting materials is necessary for aerobic (with oxygen) biological processes. Proper aeration is critical to the control of odors. Aeration provides oxygenation, helps insure process stability, and enables temperature control. Insufficient aeration can result in elevated temperatures that retard microbiological activity. Conversely, excess air flow accelerates heat removal and increases evaporation, and this too can result in a slower rate of decomposition.

In order to maintain maximum rate of decomposition, temperature should be controlled within the range of 45 to 55 degrees C (113 to 131 degrees F). However, the temperature must be allowed to climb to a range of 55 to 60 degrees C (131 to 140 degrees F) as prescribed for sanitation. After sanitation, windrow temperature can be reduced to allow maximum decomposition back to 45 to 55 degrees C.

Temperature can be controlled by pile size, mechanical mixing, or by forced aeration. Windrow temperatures when taken are to be recorded in the field data log sheet.

Mechanical agitation or turning: This should be done to thoroughly mix materials, pulverize (creating additional surface area) and mixing water uniformly in the windrow. This will provide for uniform microbial activity, break up air channels and clumps (that may be anaerobic), allow uniform air circulation for active aeration and rapid composting, and blend material from top to bottom in the pile or windrow of decomposing material. Agitation during the sanitation phase (temperature in 55 to 60 degree C range/131 degree F to 140 degree F) must be carefully controlled to ensure that pile temperature does not drop and stay below the prescribed range. Agitation will increase short

term risk of odors as clumps are broken up but reduce the risk of odors overall.

1. Destruction of pathogens is mandatory. Destruction of pathogens can be accomplished at any time during the composting process when there is sufficient energy for temperature rise and provided the feedstock materials are well mixed for uniform microbiological activity. It is important that all portions of the composting material experience sufficient temperatures (55 to 60 degrees C) to assure pathogen destruction throughout the compost. The windrows should experience a temperature of at least 55 degrees C for at least 15 days during which time the windrow should be turned a minimum of five times. These conditions are necessary to insure destruction of human, animal, and plant pathogenic organisms, i.e. sanitization, in accordance with US EPA regulations specified in the Process to Further Reduce Pathogens (PFRP found in 40 Code of Federal Regulations Part 257). Note: this is required for compost that will be used for the production of crops that will be used by humans. The windrow shall not exceed 70 degrees C (158 degrees F) because microbial activity becomes sharply curtailed. At 80 degrees C, sterilization can occur preventing further microbial activity until re-colonization occurs.

2. Field data will be collected. Data will be collected to optimize control of the composting process (ie. temperature control, moisture, odors, and perhaps pH, oxygen, and carbon dioxide - long term) to insure high rates of aerobic decomposition and to defend against prematurely halting decomposition.

COMPOSTING - STABILIZATION (Stage Two)

Objective: To make a “finished compost” from fresh compost. To further decompose and stabilize organic matter. To make compost by complying with biological, chemical, and physical property requirements of organic feed stock, and as a result produce, market, and

sell an added value product made from organic material, while protecting public health, and the environment.

The second stage is defined as if it were a separate stage of composting. However, in the majority of systems, decomposition and stabilization are part of a single stage and are not distinguished from each other. Stabilization is simply the gradual reduction of microbial activity in the presence of moisture and air.

1. Organic matter stabilization. This is necessary to reduce levels of phytotoxins that may have been generated during high rate decomposition, which are the result of less than ideal moisture levels and aeration. During stabilization, moisture must be uniformly maintained between about 45% to 60% total weight throughout the piles or windrows, and the piles or windrows should be aerated. Odor management continues to be a priority during this ongoing stabilization phase of composting.

2. Stabilization. Stabilization should be allowed to continue until materials are transformed into compost (or “mature compost”). The organic matter volume will have been reduced by about 60% at conclusion of the stabilization phase. Full stabilization may not be necessary, depending upon marketing and distribution.

“OPTIONAL” (To be utilized if needed) COMPOST CURING AND REFINING, STORING AND PACKAGING Stages III and IV

The following stages are not required in total, for the composting operation. However, if a higher degree of product quality is to be achieved several of these steps may be necessary and compliment a sound marketing and distribution plan.

COMPOST CURING (Stage III)

Objective: To make cured compost. To produce a highly stabilized mature compost product, by continuing the microbial decomposition process begun in the earlier stages of composting. To help make compost suitable for on-site storage, and for certain designated markets, for example the retail bag and bulk market.

1. Curing. Compost can be cured in static piles or in windrows.
2. Maintain aerobic conditions within piles. Even though the decomposition process has reached the point where material is ready to be marketed, prolonged storage should be agitated periodically. Moisture should be maintained in the range of about 40 to 50% by total weight uniformly throughout the material. This large area source for odors should be carefully evaluated to determine any need for odor control.
3. Permit heat loss. In order to prevent spontaneous combustion and “ashing” in the pile, heat should be permitted to escape via agitation.
4. Curing period. The curing stage could take as little as several weeks to as long as 18 to 20 weeks, depending on the material being cured and the immediate market application. Note that the rate of curing will be slowed by cold temperatures. Organic matter in the original feedstock will have been reduced by about 65% after prolonged curing. “Rule of thumb” in Northeast Indiana is approximately 30 days from windrow temperature drop to ambient.
5. Estimated composting time. The estimated composting time will range from several weeks up to 12-15 months depending on the specific operation performed and environmental conditions. Longer time periods typically are associated with a higher quality product.

COMPOST REFINING, STORING, AND PACKAGING (Stage IV)

Objective: To remove foreign matter from compost. To make compost by complying with biological, chemical, and physical property requirements of organic feed stock, and as a result produce, market, and sell an added value product made from organic material, while protecting public health, and the environment.

1. Percent moisture lowered. The percent of moisture should be lowered to about 35% of the total weight to allow for mechanical removal of foreign material. Over-drying should be avoided. Note that allowing the material to dry interrupts microbial activity and the temperature will cool even though stabilization may be incomplete. A finished compost at about one third moisture screens more easily.

2. Compost must be refined. Before marketing, removal of stones, glass, films, and hard plastics to the extent necessary to meet market conditions should be completed. Screening alone may be insufficient to achieve the desired foreign-free material. Screening may be done to achieve the desired product size. Wood chips for example may be screened to size or reused in the composting process as a bulking agent.

3. Storage space for finished materials. In order to avoid customers interrupting the operation, Site personnel will provide finished product piles for customers to purchase materials in an area away from processing and operation. These piles will be smaller in size and specifically accessible by customers.

4. Bulk products marketed. Bulk products marketed after refining may have verification of analysis to satisfy Quality Assurance/Quality Control (QA/QC), regulatory, and marketing and distribution requirements.

5. Bagging requirements. Only refined and cured compost should be bagged. Palletized bagged compost that is not stable and mature can re-heat and cause fire. Bagged finished product must list its composition

and be labeled to satisfy regulatory requirements. A list of acceptable use and application instructions may be included on the label.

COMPOST OPERATION “GOOD NEIGHBOR POLICY”

GOOD NEIGHBOR REQUIREMENTS

1. Provide good site assessment. Define existing site conditions and operating parameters. Assess topography, wind direction, location of residences or other businesses, drainage, zoning, adjacent land use, soils, flood hazards, ground water characteristics, and transportation access.
2. Develop master plan. A master plan (site plan) shall be developed for the facility.
3. Public relations program. The Compost Facility may provide a public information / education program concerning the compost site operation as a stand- alone program or as part of the facility Marketing and Distribution Plan.
4. Compost site appearance. The site will incorporate visually pleasing site amenities to complement the area where it is located. Entrance landscaping and “the site is never too clean” are policy approaches to operation.
5. Access. At a minimum, access to the compost facility shall be via gravel surfaces and suitable for all weather use. Signs shall clearly mark the entrance and exit of the compost site. All types of traffic must have easy access without unnecessary delay.
6. Site security. The compost facility shall be secured by fencing and lockable gates designed to prevent drop-off of unwanted materials such as hazardous waste, white goods, tires, or municipal solid waste during closed hours. The site access gate should be set back from the road so early arrivals needn’t wait on public streets and impede traffic flow.

7. Good odor management. Includes (but is not limited to) identification and characterization of all odors with respect to intensity and pervasiveness. Wind direction monitoring with respect to windrow turning and any nearby residences, and other measures such as inspecting all incoming loads as noted in this operation plan.

PUBLIC HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION

Objective: To make compost by complying with biological, chemical, and physical property requirements of organic feed stock, and as a result produce, market, and sell an added value product made from yard waste, while protecting public health, and the environment.

1. Dust control. Gravel surfaces will create dust. Long term transport of dust may be reduced by effective vegetative screening. Non-toxic dust control products may be used as needed.
2. Noise control. Workers must not be subjected to noise exposure maximum limits. Equipment operation will not be permitted in early morning hours (prior to 7:00 a.m. nor after 7:00 p.m.).
3. Storm water run-on and run-off. Collection, control, and/or treatment will be required to varying degrees. If excessive leachate is created, drainage ways shall be constructed to direct leachate to a collection area for evaporation, recirculation or off-site treatment. Note: leachate may not be added back into the compost after completion of the pathogen reduction phase, in order to avoid reintroduction of pathogens to the material.
4. Fire Protection. All windrows shall be constructed with a minimum of twenty feet between them to maintain fire lanes. Wood mulch piles will be one lift high (12 feet more or less) . Emergency phone (fire department) numbers are to be posted on-site. Fire extinguishers shall be maintained on-site and on all equipment.

This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

PROPERTY OWNER: Green Solutions of Northeast Indiana, LLC

SUBJECT SITE: north side of County Road 4, approximately one-quarter mile west of the intersection of County Road 4 and County Road 31, Ashley

REQUEST: Use Variance

PURPOSE: To allow for a compost facility

EXISTING ZONING: I1, Industrial/Business Park

SURROUNDING LAND North: Family Dollar Distribution Center (Town of Ashley)

USES AND ZONING: South: Wooded Lot (A2)
East: Farm Ground (I1)
West: Farm Ground (Town of Ashley)

ANALYSIS:

In the I1, Industrial/Business Park Zoning District, the UDO does not permit or allow a compost facility. Thus, a Use Variance is required.

- The petitioner is requesting a Use Variance to allow for a compost facility of organic waste, such as leaves, grass, bushes and tree trimmings, corn fodder and other agricultural waste. The organic matter will be combined with paper waste from the paper recycling industry and produces high grade topsoil that then is sold in large quantities to developers, INDOT, etc. that can be used for fill.
- Indiana Department of Environmental Management (IDEM) has approved the use and permits have been received.
- This will be the 3rd location in Indiana for this type of facility – there is one in Valparaiso/Porter County and Fort Wayne/Allen County. They are also currently working on permitting in Evansville/Vanderburgh County. The Fort Wayne/Allen County location is at SR 27 & 469 – South of Fort Wayne: 11255 Anthony Blvd, Fort Wayne, IN 46819
- There is no access off CR 4. All access will be coming from the north off E. State St, just east of the Caseys Gas Station.
- There is no proposed discharge from any kitchen or bathroom facility. A septic system is not needed for this project.
- A Drainage Plan will need to be reviewed and approved by the County Surveyor and Drainage Board. A condition of approval has been added.
- A Storm Water Pollution Prevention Plan (SWPPP) permit will be needed from the Soil Water Conservation District. A condition of approval has been added.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Board of Zoning Appeals in filing appropriate forms and reports.

1. Application completed and filed on **November 9, 2023**
2. Legal notice published in The Star on **December 1, 2023** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Health Department, dated **August 3, 2023**
5. Letter from the County Highway Department, dated **November 13, 2023**
6. Letter from the County Surveyor or Drainage Board, dated **November 13, 2023**

7. Letter from the Soil & Water Conservation District, dated **November 14, 2023**
8. Letter from the DeKalb County Airport Authority, if applicable, dated **not applicable**

PROPOSED FINDINGS OF FACT:

*These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project. If any one of **your** answers is followed by an asterisk, under State Law (IC 36-7-4-918.4) and Section 9.28 G(3) of the DeKalb County Unified Development Ordinance you must deny the request.*

1. Will the approval be injurious to the public health, safety, morals, and general welfare of the community?
Yes ()* No (X)
The approval of the compost facility should not be injurious to the public. The site is required to hold only organic materials per the IDEM permit. See letters from County departments and IDEM permit documents.
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? Yes ()* No (X)
The property values adjacent to the property should not be affected negatively. The properties adjacent to the property are agricultural on 3 sides and the Family Dollar Distribution Center to the north.
3. Does the need arise from some condition peculiar to the property involved? Yes (X) No ()*
The petitioner states that there is a need for the compost facility and need for high quality organic topsoil for fill. There is also a lack of properties with the zoning required for the use. .
4. Will the strict application of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the variance is sought? Yes (X) No ()*
There are no sites in DeKalb County for this type of use.
5. Will the approval interfere substantially with policies of the Comprehensive Plan?
Yes ()* No (X)
The proposed use should not interfere with the Comprehensive Plan provided the petitioner meets the rules and regulations of IDEM and DNR. DeKalb County does not have land that is zoned to allow this type of use. This use on I1, Industrial/Business Park Zoning District, property will have to be approved by the BZA for a Use Variance. With the type of use proposed and the limited sites in the County, the need arises by virtue of the limited sites in the County.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval for this Use Variance and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Use Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Use Variance is approved for a compost facility.
3. The petitioner must acquire local approvals and/or permits from the DeKalb County Surveyors Office or Drainage Board and the DeKalb County Soil Water Conservation District.
4. No offsite drainage, existing surface water or existing tiled water drainage crossing over said real estate should be obstructed by any development on this site. The Board of Zoning Appeals may enforce these conditions by injunctive relief with attorney fees.
5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where

applicable, file written evidence of compliance with Federal or State agencies there were identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Commitments of Approval:

Staff is recommending approval. If the Board assigns commitments, they shall be given, signed and recorded with the DeKalb County Recorder's Office.