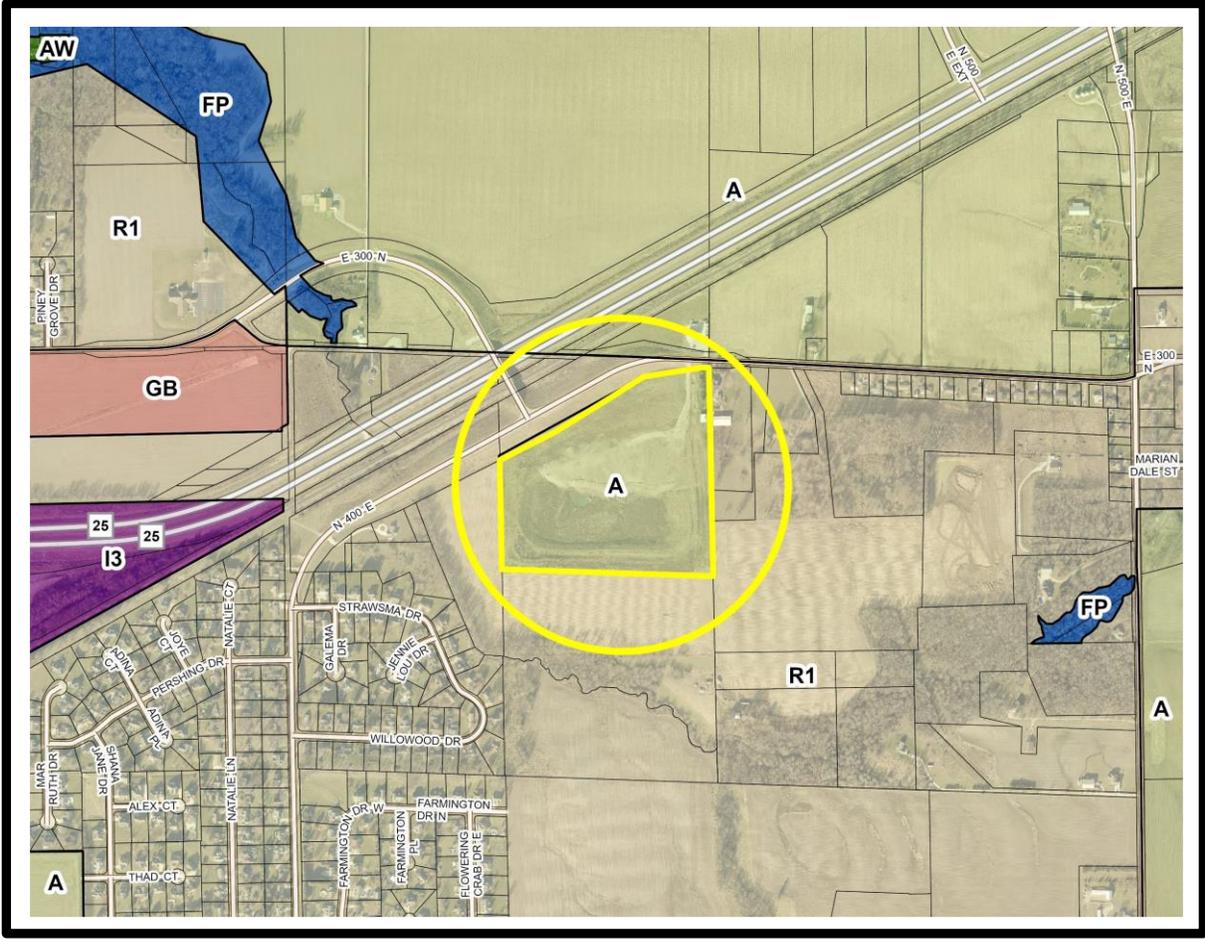

BZA-1786
JANET & RICHARD W. HARLOW, JR.
(previously known as Crider & Crider, Inc.)
(special exception 2nd extension)

STAFF REPORT
July 16, 2020



BZA-1786

JANET & RICHARD W. HARLOW, JR.
**Special Exception to change and extend the Reclamation of a
previously approved mining operation**

Staff Report
July 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, with consent from owner, are requesting a second extension of the previously approved special exception for a mining operation (originally approved December 2009, first extension was approved in July 2015) to modify the reclamation plan (UZO 3-2). The proposed hours of operation are 7 AM to 7 PM, five days a week (Monday through Friday) and 7 AM to 4 PM on Saturdays. There will be no further mining and the proposed reclamation will be completed no later than December 31, 2030. The 32.8-acre tract is located immediately west of the residence at 4503 E 300 N in Fairfield 12 (NW) 23-4.

AREA ZONING PATTERNS:

After a successful rezone attempt in November 2009, the subject property is currently zoned Agricultural (Z-2417, Crider & Crider R1 to A). Land surrounding the property is zoned R1 except to the north, across CR 300 N, which is also zoned Agricultural.

AREA LAND USE PATTERNS:

The site was farmed and is now a borrow pit with some water pooling at the bottom. There are residences to the east and to the southeast; beyond that land is farmed or wooded. Willowood East Subdivision, while not sharing a property line with the proposed fill site, is located nearby to the southwest. The CR 300 N bridge over the Hoosier Heartland is located immediately north/northwest of this site. The pit is a highly visible eyesore when driving up the hill leading to this bridge.

TRAFFIC AND TRANSPORTATION:

CR 300 N is classified as a rural secondary arterial by the adopted *Thoroughfare Plan*. The main route the trucks would be taking to get to and from the site include a portion of CR 300 N (using the bridge over the Hoosier Heartland) to old SR 25 N, to I-65. This petition does not give vehicular traffic counts for the proposed reclamation. According to a document submitted by petitioners, the fill pit will be operated by a local company because the I-65 project did not provide enough clean fill material to bring the pit back up to its natural elevation.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The original reclamation plan for this site was to return the property to a farm field. The new plan remains the same but extends the allotted time to 2030.

STAFF COMMENTS:

Normally, adding fill to a low-lying property with no Flood Plain zoning, only requires an Improvement Location Permit (ILP) from the County. The UZO allows reclamation of land with an approved ILP even on the site of an expired special exception for mining for up to a period of three years. In this case, the required reclamation was slated to be complete by August of 2020. Because the reclamation has not been completed in the approved timeframe an extension is being sought. The reclamation plan submitted by the petitioner states that the completion date varies based on the activity in the community to provide suitable fill. The more activity requiring the disposal of fill the faster the reclamation will be completed.

At its meeting on July 1, 2020 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for a mining operation and required reclamation in the **Agricultural** zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. A 100' setback from all property lines has been shown as well as the required farm field fence. Variances were approved and are still valid that eliminated the required buffering and changed the type of required fencing.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. It would allow the fill and reclamation of a previously approved borrow pit.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: Traffic to the site will be employees on site and trucks delivering fill to the site.
 - b. Placement of outdoor lighting: The lighting is the same as what is currently in use.
 - c. Noise production: Noise production will be from trucks delivering fill on site. No crushing of concrete or asphalt will occur at this site.
 - d. Hours of operation: 7 AM to 7 PM, five days a week (Monday through Friday) and 7 AM to 4:30 PM on Saturdays. These hours are like the hours previously approved.

STAFF RECOMMENDATION:

Approval with the following conditions:

1. All County Surveyor requirements, which includes IDEM approval, must be met;
2. All lighting for the fill pit must be directed away from motorists on CR 300 N and shall be enforceable by the Tippecanoe County Sheriff's Department;
3. All lighting shall be directed down and away from residences in Willowood East Subdivision and the residence to the east;
4. Per 4-11-4 c of the UZO, the reclamation plan must be recorded;
5. Petitioner must obtain an ILP to fill this site from the County Building Commissioner;
6. Petitioner will provide evidence of annual payment of the bond premium or the County Building Commissioner may pull the fill permit at any time if the bond lapses; and
7. A permit or waiver of permit by the County Highway Department for alterations to the site entrance on CR 300 N as discussed in the reclamation plan narrative.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.

Reclamation Plan for Harlow Borrow Pit

The site will be owned by Janet and Richard W. Harlow, Jr., and is located at 4503 E. 300 North, Lafayette, Indiana 47905. The legal description is N.W. ¼ of Section 12, T23N, R4W, Fairfield Township, Tippecanoe County.

Borrow Pit: The borrow pit site as a source of material is complete and no more material will be excavated and hauled off site. The site will be reclaimed by Fox Hauling & Construction.

Asphalt pave entrance of county road 300 North to protect existing county road edge from future damage and widen entrance with bigger radiuses.

Prepare the site utilizing suitable fill as defined in the ordinance including concrete, reduced to no larger than 2" diameter. Widen and replace entrance gates to 24' wide. Widen drive going back to borrow pit with #53 asphalt millings (# 53 refers to size of material which is from chips or dust size up to 1 ½") for dust control and smoother road that will create less noise.

Place a construction trailer on site with inside storage for fuel, oil, and grease for equipment used on site. Use on site electricity for lights. All transactions for credit card or cash payments for tickets will be performed at Fox Hauling & Construction, Inc., 2887 SR 25 North. Every load brought in will be ticketed with the date, time, origin of material, type of material, size of material and checked for contamination. Daily activity logs, including details of the materials brought in the site will be made available to the Administrative Officer upon request.

Request hours of operation Monday-Friday 7:00 am-7:00 pm and Saturdays 7:00 am- 4:30 pm. There will be signage stating hours of operations, cost of dump fees and rules & regulations for safety at dump site. There will also be a porta-john system on site. The road past the construction trailer will be stoned with #53 stone on top and #53 stone down in the hole (# 53 refers to size of material which is from chips or dust size up to 1 ½"), we want to fill as much as possible from bottom up.

When weather does not permit there will be some top edge dumping, bottom up allows us to use dump trucks to compact materials. Once we get the road dozed all the way to the ponding water at the bottom, we will bring our shooter truck down to the pond and shoot clay dirt into the water to seal up the bottom of the pond to stop any leaching of water.

At this time, we would be ready to except suitable fill of sand, gravel, dirt, and roadbed materials. All concrete chunk loads would be directed to our recycle yards, 2809 Barton Beach Road, Lafayette and/or 849 State Road 25 West, Lafayette. The borrow pit is a big hole, it will take a few thousand loads of suitable fill and the time frame could take several years, depending on the economy and number of local projects. The expected start date after approval could be August or September of 2020 and completion date will be December 2030 or sooner.

EXHIBIT A

The material will come in many kinds of vehicles from pickup truck, trailers, and all different sizes of dump trucks. The more we open it up to the community for suitable fill access, the sooner the reclamation project will be complete.

We would like to store good fill dirt (dirt with almost no rocks or stones that is of sufficient quality to grow grass and crops) in a contained area, silt fence, or concrete blocks to put approximately three feet of good fill dirt down. Then top it off with approximately one foot of topsoil to give the Harlow family a good productive farm field back. Once we get the borrow pit filled and top soil in place, we will seed the completed borrow site with grass seed at a rate of 90 lb. per acre and blown straw at 18 bales per acre for future crop of corn, beans or wheat.

Anytime that suitable filling is done through the dusk or dawn hours, lighting may have to be used but never directed toward vehicles on the road or any housing or subdivisions. The finish elevation of the Harlow borrow pit will be the same as it was prior to 2008 before the borrow pit excavation got started. (See Tippecanoe County GIS 2008 map elevations.)

Upon suitable fill pit completion all fencing, roads, gates, trailer, lights, and electric wiring will be removed and hauled off site. We will then inspect the area where the equipment was fueled and parked on site and any contaminated soil will be excavated and hauled to a hazardous site to get the site back to farm ground quality.

Any unanswered questions that we failed to address we would be happy to answer in a letter, in person or at the meeting.

A handwritten signature in black ink, appearing to read "Robert L. Fox", written over a horizontal line.

Robert L. Fox, President

Fox Hauling & Construction

Incorporated in 1976

Crider Fill Site

Site Plan revised 6/18
fencing shown

Legend



Crider Pit

Crider Property
(Green)

48" Farm Field
Fence (Red)

Construction
Entrance

Topsoil Stockpile

Fill Area (Red)

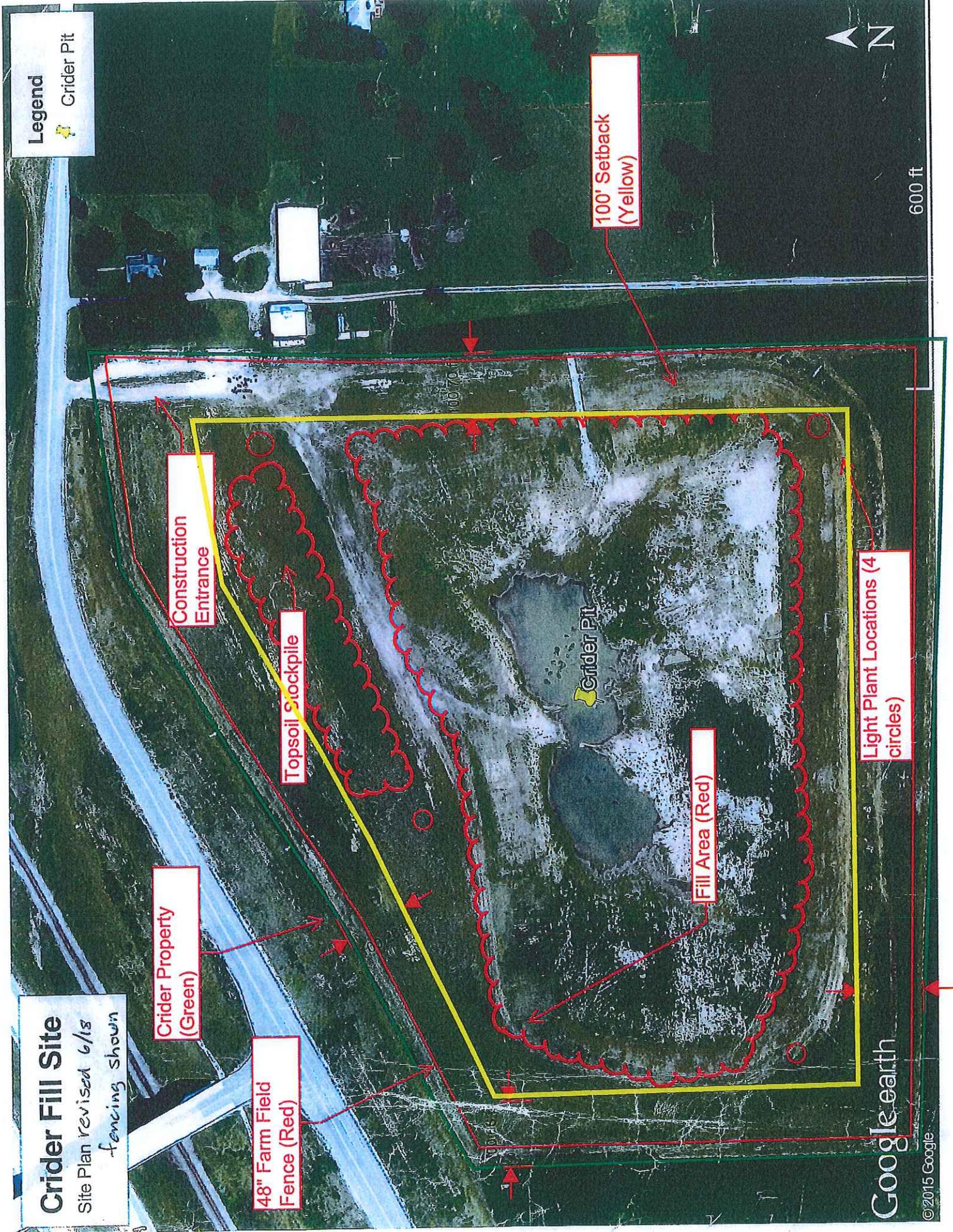
100' Setback
(Yellow)

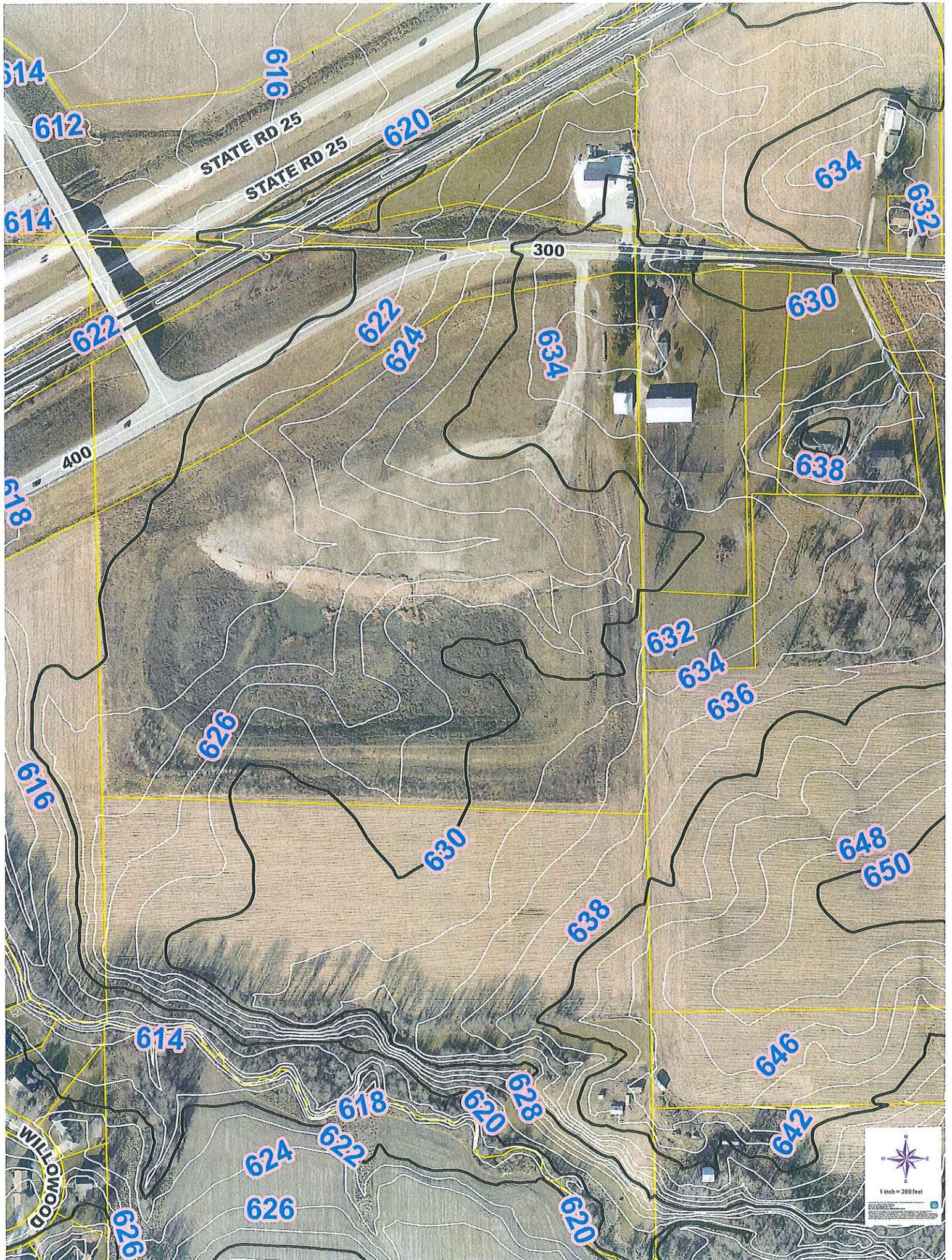
Light Plant Locations (4
circles)

Google earth

© 2015 Google

600 ft



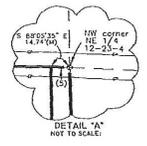




BOUNDARY SURVEY

PART OF THE NORTH HALF OF SECTION 12, TOWNSHIP 23
NORTH, RANGE 4 WEST, IN FARIFIELD TOWNSHIP IN
TIPPECANOE COUNTY, INDIANA

S.P.C. GRID NORTH
(N.A.D. 83)
SCALE: 1"=200'
0 100 200



- COURSE CALLS**
- (1) - N 87°05'01" E 265.00'(M)(R)
 - (2) - S 00°51'45" E 175.85'(M) 175.00'(R)
 - (3) - S 00°51'45" E 174.50'(M)
 - (4) - S 88°02'35" E 56.68'(M)
 - (5) - S 88°05'35" E 14.74'(M)
 - (6) - S 00°51'45" E 102.50'(M)
 - (7) - N 00°51'45" W 50.00'(M)(R)
 - (8) - S 87°05'01" E 145.00'(M)(R)
 - (9) - N 87°05'01" W 145.00'(M)(R)
 - (10) - N 00°51'45" W 180.16'(M)
 - (11) - S 87°05'01" E 30.08'(M)
 - (12) - S 87°05'01" E 126.91'(M)

- LEGEND**
- - Benchmark monument found
 - ◊ - Wood fence post found
 - ◆ - Rebar found
 - - Iron pipe found
 - △ - PK Nail found
 - - Power Pole
 - △ - 5/8" P Plastic capped rebar stamped "WIG 880043" set this survey
 - ▲ - Mog Nail set
 - - Road Nail set
 - - Under ground gas line
 - - Farm field fence
 - - Wood fence
 - - No point set or found
 - (R) - Recorded
 - (M) - Measured
 - e - Fiber Optic Manhole
 - ee - Gas Fiber
 - ew - Overhead Utility

ADJACENT PROPERTY OWNERS, LAKEWOOD SUBDIVISION

Lot No.	Owner(s)	Deed Record
1	Douglas L. & Nancy L. Hart	D.R.08719814
2	Douglas L. & Nancy L. Hart	D.R.08719814
3	Stephens L. & Debra Steller	D.R.87003337
4	Stetler Jr. Smith	D.R.8532097
5	F. Robert & Ruth A. Brown	D.R.82-20587
6	James H. & Patricia VanFossen	D.R.8520747
7	Geoff C. & Ruby F. Shultens	BU-316, Pg.10
8	Robert E. Layton	D.R.04035005
9	Wilbur E. & Eleanor L. Sheratt	BU-75, Pg.214
10	Red L. & Jean State	BU-77, Pg.1069
11	Red L. & Jean State	BU-71, Pg.743
12	Red L. & Jean State	BU-77, Pg.1070
13	Joseph W. & Sherry D. Walker	D.R.0403130
14	Joseph Ray & Wanda Lee Shider	BU-78, Pg.1348
15	Joseph Ray & Wanda Lee Shider	D.R.05710814
16	Shelly A. & Dennis L. Edmondson	D.R.8192259
17	Joseph W. & Cheryl L. Russ	D.R.8274018
18	Tammy K. Sullivan	D.R.83-17123
19	Patricia C. Greve	D.R.00015807
20	Lee F. Manning & James P. Riene	D.R.00015807
21	Lee F. Manning & James P. Riene	D.R.04031308
22	Alan D. & Sherry A. Dentons	D.R.9224891
23	Alan D. & Sherry A. Dentons	D.R.9224891
24	James F. & Joyce A. Loft	D.R.90-13296
25	James F. & Joyce A. Loft	D.R.90-13296

WILLO EAST SUBDIVISION PART III, SECTION 1

Lot No.	Owner(s)	Deed Record
22	James F. & Joyce A. Loft	D.R.90-13296
23	David L. & Kimberly L. Vee	D.R.8700337
24	Bernard O. & Pamela K. Berglund	D.R.90-08112
25	Daniel L. & Carolyn J. Gosman	D.R.8501214

FARMINGTON SUBDIVISION PHASE II

Lot No.	Owner(s)	Deed Record
64	Jesson L. & Kristen A. Wallis	D.R.04031308

Tax Key Number(s): 104-02300-0081
Tax Key Number(s): 106-04900-0013

Owner(s) of Record: Richard W. & Jean R. Marlow Trust
Property address: 4609 East 300 North
Lafayette, Indiana 47905

SURVEYOR'S CERTIFICATION

I, Robert Wm. Gross, a Registered Professional Land Surveyor in the State of Indiana, do hereby certify that the above Plat of Survey was prepared under my direct supervision, and meets or exceeds the requirements of a Class "C" Survey as defined in Title B65 Rule 12 of the Indiana Administrative Code. Given under my hand and seal this 13th day of June, 2006.

Robert Wm. Gross, R.L.S. No. 880043



R. W. GROSS & ASSOCIATES, INC.

420 COLUMBIA STREET, SUITE 100
LAFAYETTE, INDIANA 47901-1300

PHONE: (765) 742-0101
FAX: (765) 742-7723

BOUNDARY SURVEY

ISSUANCE DATE	0512/END
DATE	June 13, 2006
DRAWN BY	R. JONES
CHECKED BY	R.W.G.
DATE	6-12-06

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO PREPARE THIS SURVEY ACCURATELY AND TO RECORD THIS INSTRUMENT IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SURVEYING ACT, AND THIS INSTRUMENT WAS PREPARED BY ME OR UNDER MY SUPERVISION.