MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held October 3, 2011 at 7:00 p.m.
Council Chambers—City Hall Building

This public meeting was called to order at 7:08 p.m. by President, David Hoar. The Pledge of Allegiance was led by John Mishler and Jeff Souder led the group in prayer. Plan Commission Attorney, Thomas E. Scifres took roll call. In attendance were members John Mishler, David Hoar, Adam DuFour, Brad Shelton, Jeff Souder, Lane Freiberger and attorney Thomas E. Scifres. Absent were members Jim Day and Scott Maudlin. Also attending was invited guest Kari Keller-Steele with AG Environmental Systems LLC.

The first order of business was Committee Reports. On subdivision control, there was no report. In zoning, Lane Freiberger reported multiple contacts made with potential consultants and reported that he had circulated sample ordinances. John Mishler advised that he went to a Harrison County public meeting in reference to pig farms. Mr. Mishler there met, Kari Keller-Steele, who he invited to tonight's meeting. Brad Shelton reported that he talked to three (3) poultry companies. Tyson reported it has no expansion plans as it is at capacity. Perdue has no expansion plans due to location. Farbest indicated that it would be willing to expand; however, their" kill capacity" needs to increase before expansion can be considered. Brad Shelton also reported that Andy Tauer from IDEM and Jay Houchin from Farbest would be willing to attend a plan commission meeting. David Hoar stated his opinion that our commission's inquiries with these poultry companies should not be as negative. He would like to see industry interests included in our discussion about ordinance drafting.

Kari Keller-Steele was introduced, and David Hoar advised of a potential conflict of interest because of the fact he is working with her in private business matters. Kari Keller-Steele informed the commission that she has an office in Connersville, Indiana and also works all over the state of Indiana. She is in the business of compliance work with CFO's and CAFO's and has helped five (5) other counties with the drafting of their ordinances. Kari Keller-Steele expressed an interest in assisting with the drafting of our ordinance as well.

Ms. Steele stated that it is harder to write a "patch ordinance" regarding feeding operations than when there is an overarching code. She brought up the concept of a "point system" in when applicants would be awarded "points" for any of a number of criteria, such as availability of turnarounds, etc. There could be as many as 500 points, and if an applicant has greater than a pre-designated percentage of the total available points, such as fifty percent (50%) or seventy-five percent (75%), then the application would be accepted. She pointed out that it is imperative to have a solid understanding of what entities regulate what. For instance, IDEM regulates poultry operations exceeding 30,000 birds. In seeking to regulate farms under IDEM's thirty thousand (30,000) threshold, she opined there would need to be two (2) separate ordinances due to things like the State Chemist's Office having exclusive jurisdiction over all fertilizer, including manure. Ms. Steele stated that she would have to look into regulations on smaller farms and if it is even possible to regulate the smaller farms. She also advised the commission to look at as many other ordinances as possible and to consult with those local officials to see what is working and what is not.

Ms. Steele next suggested having committee meetings prior to obtaining public input. It would give the committee a chance to debate and settle upon reasons for certain decisions and then field public questions in the form of township meetings that are informal question and answer rather than the public hearing format. She felt that general consensus among members on basic issues prior to public input would help streamline the process.

Brad Shelton inquired about the major reasons for public objection to CFO's. Ms. Steele stated that the top three complaints from the public were odor, property values and flies. While infrastructure and water quality are an issue, at this time they are not one of the bigger issues. She stated that things like infrastructure, nuisance, odor, flies and etc., are topics that have been relegated to other counties, for regulation so we do have the authority to regulate those.

At this time she is only familiar with one county that has regulations below IDEM's minimum criteria. That county has passed a health ordinance on electric requirements for barns that clearly calculated to address one specific developer. Attorney Scifres inquired whether there are actually many farms below IDEM's requirements. Ms. Steele suggested that we look at Soil and Water District Rule 5 applications. John Mishler asked for a quote to assist in the preparing an ordinance. The cost of doing the research ,running committee meetings and work on an ordinance would cost $5,000.00 to $10,000.00 .This process would take approximately four (4) to five (5)

meetings being over four (4) months. John Mishler made a motion for Kari Keller-Steele to put together a proposal to present to the Plan Commission, Lane Freiberger seconded the motion. The motion passed 5-0 with David Hoar abstaining.

David Hoar asked for a recess and Jeff Souder then made the motion with all members agreeing and recessed at 8:30pm.

The meeting re-convened at 8:38 pm with Jeff Souder made the motion to approve the September 5, 2011minutes with Adam DuFour seconding the motion. The motion passed with a vote 6-0.

Adam DuFour made motion to approve the public hearing minutes from September 1, 2011, with Lane Freiberger seconding the motion. The motion passed with a vote 6-0.

Travis Elliott spoke of inquiries into mobile homes being put on smaller tracks of ground all the way up to twenty (20) acres. Adam DuFour commented that if these are sub-divided into residences, the subdivision ordinance addresses it. John Mishler inquired whether state has statues regulating trailer parks. General discussion on was had and it was discussed to check with state guide lines on trailer parks. Adam DuFour stated that Rule 5 requires a permit for disturbing greater than one (1) acre for commercial purpose. Therefore any twenty (20) acre trailer park would have to disturb several acres. If greater than one (1) acre disturbed, Soil and Water is required and Rule 5 inspection to protect against erosion. David Hoar brought up the issue of a check list for subdivisions and mobile home parks. There is such a check list at the back of the subdivision control ordinance, but it is not a part of the ordinance itself. John Mishler pointed out that if it is a mobile home park, the subdivision control ordinance is not triggered.

David Hoar discussed the open position of Eric Rusby and need for Commissioners to make an appointment.

Adam DuFour brought up an issue about the Open Door Law and felt Attorney Scifres had properly cautioned the commission when meeting with Robert McCormick. He then announced that his wife Kristin had been diagnosed with cancer and that he might need to resign. Attorney Scifres stated that he felt DuFour should stay with the Plan Commission and hold off on making

such a decision until later. Others agreed, and DuFour agreed to address his ability to remain on the commission on a month-to-month basis.

Brad Shelton inquired about having Jay Houchin from Farbest come to a meeting. Everyone agreed having Brad Shelton to go ahead and extend that invitation.

The meeting was open to the public for comments.

Ronda Greene advised that Katie Williams from Public Access Counselor's Office is coming Thursday October 13, 2011 to provide training on the Indiana Open Door Law and invited members of the Plan Commission to attend. Ron King passed on speaking.

At this time, Jeff Souder made a motion to adjourn the meeting with Lane Freiberger seconding. With a 6-0 vote the meeting was adjourned.

David Hoar, President

Scott Maudlin

Lane Freiberger

Adam DuFour

John Mishler

Jeff Souder

Jim Day

Brad Shelton

COMMISSION ATTORNEY

Thomas E. Scifres