MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held October 1, 2012 at 7:00 p.m.
Council Chambers—City Hall Building

This public meeting was called to order by President David Hoar at 7:06 p.m. Danielle Walker opened with the saying of the Pledge of Allegiance and Jeff Souder led those present in prayer. Roll was taken at this time, those present were David Hoar, John Mishler, Lane Freiberger, Shawna Humphrey, Jeff Souder, Scott Maudlin, and Danielle Walker, and Jim Day. Adam Dufour was the only member absent. Attorney Scifres presented the Board with the minutes of the September meeting. Said minutes were approved by a vote of 8-0 on the motion of Lane Freiberger and seconded by Jeff Souder.

President Hoar welcomed those present and offered opening remarks. He also asked that due to the large crowd that those speaking limit their comments to three (3) minutes in length.

The first order of business was Thomas E. Scifres report on the recent Open Door Law/APRA request. Attorney Scifres advised that just prior to this meeting he had been handed a response from the Public Access Counselor on a Complaint filed by Max Greene as to an Open Door Violation stemming from the August 21, 2012 Land Use sub-committee meeting. Attorney Scifres stated that he had not received a copy of the Complaint filed by Max Greene and he also asked if anyone else had received a copy of that Complaint. None of the members stated that they had received a copy of the Complaint. Attorney Scifres had already discussed at the August meeting that he did feel like there was a violation of the Open Door Law due to a quorum of the Members attending that meeting and that any action taken by the sub-committee at that meeting should be rescinded. This Complaint and formal response from the Public Access Counselor agreeing was no surprise to anyone at this point. David Hoar read the attached text as making it his motion to rescind any and all action taken by the Land Use sub-committee at that August 21, 2012 meeting. That motion was seconded by Lane Freiberger and passed with 8-0 vote.

The next order of business was the progress on the Land Use sub-committee. Kari Keller Steele reported that there was no progress with that sub-committee. Kari Keller Steele said she would like to meet with the Land Use sub-committee on October 4, 2012 and October 8, 2012 at 7:00 p.m. and thinks the Agriculture part of that can be completed after those meetings if all goes

smoothly. She asked that everyone review any e-mails after August 6, 2012 to make sure they have the current version of the Land Use draft. With the proof-reading sub-committee being abolished at the September 2012 meeting, John Mishler made the motion for Thomas E. Scifres to be the proof-reader for the proposed ordinance. Danielle Walker seconded that motion, which passed by a vote of 8-0.

Next the Commission heard from Don Rogers which asked to be placed on the Agenda. He spoke about research he has done regarding air particulates that are not discussed/regulated by IDEM, as well as water contaminants. Don feels that it is not the farming operations be built it is what inside CFO's that is then spread on fields as fertilizer. That spreading causes smells and has had a gnat issue at his home after the spreading of manure. His main concern was the health and welfare of the animals, farmers, and neighbors of farming operations. He also discussed his concerns about contamination of consumption of water. Don Rogers gathered his information from US EPA and U.S.D.A. sources. He asked that the Plan Commission to speak with neighbors of current facilities.

David Hoar then asked for comments from the public. Several comments were offered, the major points from which are detailed below.

David Whittington, Complex Manager at Tyson Foods, spoke and said that Tyson employees 550 people and was speaking on behalf of family and farmers that were present at this meeting. He presented a handout showing economic statistics of Tyson farm operations in Washington County. Broiler farms are paid $4.1 million dollars and breeder/pullet farmers are paid $1.6 million dollars to produce chickens for Tyson. Each chicken house costs approximately $200,000.00 to construct. There is also $12.5 million dollars of corn bought from Washington County farmers per year. They use around 50,000.00 bushels of corn per week for feed and 60% of that corn comes from Washington County. There are approximately 25 broiler houses (87 houses) in Washington County. These farms can feed 675,000.00 people in one (1) week which is approximately 36 million people a year. Local Broiler Producers in the County pay over $250,000.00 a year in property taxes. The total economic impact for Washington County as a result of Tyson alone is $18.45 million a year. Mr. Whittington stated that the proposed set-backs will limit or stop their growth in this County. Tyson producers are all IDEM permitted and they would love to have the Plan Commission out to view their facilities. IDEM currently has a 100' property line set-back

and all Tyson farms meet or exceed that requirement. Lane Freiberger asked if regulations are their basis or do they consider local factors for each farm. Mr. Whittington responded that they use common sense and consider each case individually.

David Norton spoke saying he agreed with David Whittington's remarks. He also feels that pollution should be regulated at the State level and that IDEM regulations should be relied upon. He feels that zoning is not needed just to regulate poultry houses and that the Board of Commissioners could draft a regulation for that purpose, without a comprehensive zoning ordinance. Mr. Norton also asked for the draft minutes from the August 21, 2012 Land Use sub-committee which he requested even if they have not been approved by that sub-committee. Attorney Scifres stated that those were being prepared and would be provided. He also asked if there were any mobile home regulations pending. He was told that none were underway at this time. Also, any regulations would likely be limited to mobile home parks and not individual manufactured houses, if that is what the comprehensive plan provides.

Rhonda Greene spoke saying that the meeting at which a blind woman complained about a poultry farm issue is where this all started. At the last election she was trying to get a chicken house on the farm tour. She feels it is not good for chicken houses to be demonized and feels she has fought hard to keep that from happening. It is the reciprocal set-back that bothers her and has her upset. She also feels that reciprocal set-backs will demonize the poultry and farming operations. She feels passing the reciprocal set-backs will cause a backlash from the community.

Don Rogers spoke in response that air particulate regulation should be done only by IDEM and said in 2006 factory farms were exempt from an air particulate regulation.

Robert Taylor spoke stating he was a new poultry farmer with Farbest. He stated that he falls below the IDEM numbers for regulation but Farbest required him to follow those guidelines anyway. His neighbors are very receptive and have even asked to work for him. His operation is 328' off the property line, a family member's home within 600', and neighbor's houses 1,000' feet away from his operation. David Hoar offered remarks varying factors that impact set-backs.

Max Greene addressed his concerns over reciprocal set-backs. Those farms less than IDEM regulation can build 50' off property line and tie up 350' of neighbors land. That is why he is against reciprocal set-backs.

Bill Bowers is concerned about CAFO regulation only versus non CAFO. David Hoar responded saying that the Commission is looking at numbers of livestock and reducing the numbers at which regulations would apply.

John Mishler discussed the Rush County requirements. He asked those growers in attendance if anyone had an operation under 40 acres. Two (2) growers did have operations on 10 acres. No one had less than a 250' foot lot. He also reported that Tyson was okay with the proposed 400' setback.

Thomas E. Scifres asked David Whittington if neighboring property owners had ever caused issues with poultry operation. Mr. Whittington said there had been an issue with light from a neighboring home causing decreased production of hens. There has also been an instance in another county where a neighbor built within a set-back and caused legal problems for a farm that was there when that property owner built on the neighboring property.

Additional comments were made by the public and Commission members. Max Greene reiterated his earlier point and gave the example that an unregulated farmer could build 50' from a property line where no neighbor had a residence yet. If a 400' set-back is adopted, it would tie up 350' of the prospective homeowner's property. He would not be able to build, yet the farmer, who is granted an exemption could build. This seems the message to the farmer is "better than" the neighbor and operates to "demonize" the farmers. Rhonda Greene also indicated that the purpose was to demonize the farmer—not to provide protections to the famer as the Commission and attorney has suggested.

Ralph Pickerill, a long time turkey famer, spoke saying John Mishler had visited his farm and had no complaints and farms are 50' from his own back door. His mother passed away at age 92 and had no health problems after decades of turkey farming.

Tyson representatives spoke saying there has been a subdivision of 10-12 houses put across the street, approximately 500', from a chicken operation and there have been no complaints. Tyson states it does its best to hold farmers to best standards.

Michael Gettlefinger asked what the proposed set-backs were at this time. He discussed the recent comment made in a Washington County Board of Commissioners meeting. He also addressed the decreased regulation numbers proposed by the Plan Commission.

Eric Albertson said he had worked with David Hoar 25 years ago to start discussing regulations. He thinks there can be no honest disagreement with the fact everyone needs protection. But he encouraged the Commission not to limit things just to the poultry or just livestock. The County has had an influx of houses creeping in on farmers and causing complaints.

There being no further business before the Commission, Scott Maudlin made a motion to adjourn the meeting, seconded by Lane Freiberger. The motion passed 8-0.

David Hoar, President

Scott Maudlin

Lane Freiberger

Adam DuFour

John Mishler

Jeff Sonder

Jim Day

Shawna Humphrey

Danielle Walker

COMMISSION ATTORNEY

Thomas E. Scifres