MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held July 1, 2013 at 7:00 p.m.
Council Chambers—City Hall Building

This public meeting was called to order by President, David Hoar, at 7:00 p.m. Jeff Souder led the Pledge of Allegiance and attorney Thomas E. Scifres led those present in prayer. Attorney Thomas E. Scifres then took roll, and those present were Jeff Souder, Phil Marshall, Danielle Walker, Jim Day, Scott Maudlin, David Hoar and Lane Freiberger (arriving late due to work schedule). Ervin Day and Adam Dufour were absent.

The Board was presented with the minutes of the May and June meetings were read and approved unanimously upon the motion of Jim Day and seconded by Scott Maudlin. David Hoar then made opening remarks to the audience.

The first order of business was the proposed zoning ordinance sent to the Washington County Commissioners with a positive recommendation. President Hoar reported that the Washington County Commissioners had rejected the ordinance with specific recommendations regarding re-drafting for adoption. President read the rejection document from the Washington County Commissioners out loud and also reviewed written comments submitted by Phillip Marshall. Commission member Phillip Marshall specifically raised the issue of the concern over availability of water resources and requiring confined feeding operations to have multiple sources of water. Because the primary issues raised by the Washington County Commissioners was the establishment of a points system with varying set-backs, President Hoar handed out the previously-created list of point-system categories, which was abandoned by the drafting sub-committee in August 2012 in favor of a simpler, static set-back.

A lengthy and lively discussion ensued regarding the various weights, categories and possibilities for alteration. Attorney Scifres pointed out that the previous list of point-system categories has specifically excluded any topics that were not indigenous to the specific property in question at the time of the application for improvement. In other words, due to concerns over enforcement capabilities, the drafting sub-committee had decided to exclude the inclusion of any categories that would require post-approval construction and implementation. An example was the implementation of "bio-filters." Attorney Scifres reported that the County Commissioners specifically addressed the issue of post-application measures and the request that those be included as potential categories, deeming enforcement something that could be achieved.

Regarding the availability of water resources and the need for back-up water sources, it was determined that information should be gathered directly from local water companies on these issues prior to the provision for any changes in the ordinance on that topic. President Hoar also suggested the possibility of different tiers for minimum set-backs whereby AFO's would require a minimum 400 foot set-back, CFO's would require a minimum 600 foot set-back and CAFO's would require a minimum 750 foot set-back. A discussion ensued regarding the effect of animal concentration on objectionable discharges and how such a tiered system might address that. It was further agreed that research should be done with IDEM regarding the enforceability of such a tiered approach.

President Hoar then suggested that a poll of the members should be taken whereby each ranked the existing category topics for points-system awards in a varying set-back system. Each member privately ranked the issues in order of importance to that member and the results were reviewed and aggregated. The resulting tallies ranked as follows: 1st was the set-back distance; 2nd was water supply; 3rd was section population density; and 4th was the homestead credit (for those living in the vicinity of their operation) among the members. President Hoar suggested that this conclusion be used as a basis for drafting a new point-system for weighting in the drafting of an ordinance.

Attorney Scifres raised the issue that some of the point-system topics were unrelated to neighbor nuisance issues. He suggested that things like water supply and back-up water sources were relevant to the community at large –not just livestock feeding operations. For instance, if a mining company were established or a major manufacturer arrived, the availability of adequate water supply and the impact on existing residence would be relevant in those situations as well. He suggested that those issues were important for the overall zoning ordinance as a whole and should not be specified in the confined feeding operation section of the ordinance. Furthermore, the adequacy of water supply and availability of back-up water sources have little or no effect on the issues of neighbor concern over animal feeding operations from a nuisance standpoint. He suggested that the point-system that resulted in varying setbacks be limited to those issues directly related to manure output and odor/nuisance abatement. Other important issues such as water supply, notice to neighbors, etc. be included in the ordinance but not impact set-back requirements. Other member commented on this as well.

David Hoar noted the late hour and suggested that individuals be assigned tasks to accomplish outside the meeting. Phillip Marshall agreed to contact water companies regarding the availability of water and the threat of supply shortages. David Hoar advised that he would inquire

about the propriety of a three-tier system whereby CAFO's, CFO's and AFO's were given separate minimum set-backs. Danielle Walker agreed to check with IDEM regarding lists of violations that may occur and how our ordinance may award or subtract points for applicants who have had IDEM violations in the past. Danielle Walker also agreed to contact consultant, Keri Keller-Steele, to discuss what types of innovative post-application measures were available for implementation for which we might consider implanting into a points-system.

Next item of business was a report that Travis Elliott as Plan Director has submitted a budget for the Plan Commission. That budget was due by June 1st but no meeting was conducted to approve that prior to its submission. That budget had been presented, and upon the motion of Jim Day, seconded by Phillip Marshall, the budget presented by Plan Director, Travis Elliott, was ratified.

Finally, President Hoar reported that at the County Council meeting, Dara Borden had asked for a letter of support for a grant being requested by the Blueriver Water Shed. Support could come in many forms including "in-kind support." He suggested that the Plan Commission draft a letter of support, specifying that the submission of its Comprehensive Plan be used as its specific "in-kind" support. That motion passed unanimously upon the motion of Lane Freiberger, seconded by Danielle Walker.

With there being no further business before the Commission, Jeff Souder made the motion to adjourn the meeting with Lane Freiberger seconding the motion. The meeting was adjourned unanimously.

David Hoar, President

Scott Maudlin

Lane Freiberger

Adam DuFour

Phillip Marshall

Jeff Souder

Jim Day

Ervin Day

Danielle Walker

COMMISSION ATTORNEY

Thomas E. Scifres