MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held November 4, 2013 at 7:00 p.m.
Council Chambers—City Hall Building

The meeting was called to order at 7:03 p.m. by President David Hoar who led the audience in prayer. Danielle Walker led the audience in the Pledge of Allegiance. Secretary/Attorney Thomas E. Scifres took roll call. All members were present except Phillip Marshall and Scott Maudlin. Minutes from the October meeting were approved upon motion made by Adam Dufour, seconded by Jim Day, and a unanimous vote.

New Business – Airport Construction:

Engineer Cory Harper appeared with attorney John Mead on behalf of the Salem Air Board requesting a zoning change relative to the planned new airport runway. They presented a proposal calling for height restrictions on structures for proposed air space. They announced that the city of Salem adopted such an ordinance in September. Mr. Harper reported that in 1986, the State of Indiana passed laws regarding height restrictions but relied on local laws through the building permitting process for the enforcement of those restrictions. He reported that the law is in two (2) parts, designated as part "A" and part "B". Part "A" dealt with restrictions surrounding airports. Part "B" governs heights of any structure regardless of the existence or proximity to an airport.

Part "A" governing areas around airports is broken down into two (2) parts. The first part governs the areas that will be designated as yellow, and developers will be required to get a "noise sensitive permit" acknowledging the noise level in the area. The second part will be designated as a red area, and it will impose height restrictions for structures around the airport. Restrictions on height will ease the farther one develops from the airport based on runway elevation. Mr. Harper displayed a large map showing red and yellow areas.

Part "B" of the law states that regardless of the existence of an airport, any proposed structure over 200 feet in height must obtain Federal Aviation Administration (FAA) approval anywhere in the State of Indiana. Mr. Harper says that his engineering firm will develop computer tools to evaluate proposed structures to ease the implementation of all of these legal requirements. The process will entail going through the FAA, which has an airspace analysis, then through the State of Indiana, which also has a review process. On the local level, Mr. Harper's firm would give us GIS maps to determine whether a proposed development is in a yellow or red area and whether it needs to get noise and/or height permits. The FAA will then advise how high someone can construct a structure based upon its location.

The FAA will determine whether the area is "no hazard", "hazard", or "significant hazard" depending on how it is classified. A proposed structure may still get approved even if it penetrates

the allowed airspace. He suggested that we observe the City of Salem's zoning ordinance for a sample. He concluded by offering to appear at any public hearing to answer questions and present the restrictions and process to the public as well.

Old Business:

The Plan Commission addressed the pending livestock feeding operation ordinance currently being revised for passage. President Hoar directed the plan commission member's attention to the weighted score sheet scenario 1B and reported that the proposed revisions for weights had been made. He noted that more weight was given for less populated areas and greater weight was given in reference to public housing, facilities, and Churches. However, the overall point minimum remained at 220.

President Hoar then passed out the latest draft update of the ordinance. He called attention to section 702 and the definitions on page 6. He proposed changing the definition of "confined" to "animal" in the confined feeding operations terminology to reflect our lower number of livestock regulated. He also added a definition of "confined feeding operation" as those operations regulated by the State of Indiana and "confined animal feeding operations" as those governed by State and Federal regulations and permitting.

Adam Dufour suggested that the commission also needed to define "homestead". In light of the use of that term by the Auditor's office regarding tax exemptions, attorney Scifres suggested an alternative designation of "operator on-site residency" or something similar.

David Hoar then suggested a change to section 701.2 for ordinance modification to implement a scoring system. First, he suggested there would be varying set-backs for AFO's, CFO's and CAFO's as re-defined. Attorney Scifres suggested that secondly, the commission should spell out the scoring system in the language of the ordinance itself. The commission also discussed the need to add language requiring that applicants demonstrate available adequate water supply prior to approval. It was agreed that this requirement should be placed in section 701.2.2 under "Additional Standards."

Danielle Walker then inquired about the need to define the distinctions between "pasture", "wooded", and "tilled" land in the scoring system. Ervin Day suggested the incorporation of the CRP/USDA language for use in that definition, recalling that there was a requirement that the designated use must have existed for five (5) of the previous seven (7) years. Danielle Walker then reported that she had inquired with IDEM about the use of "IDEM violations" as a category. They advised her that most IDEM violations were technical paperwork violations in nature and that our commission should specify that any penalty be reserved for violations that were "non-clerical" in nature.

With respect to the "odor abatement" section for scoring, Danielle Walker had come up with three (3) categories designating weights of 100, 50, and 25. Level 1 would be the highest weighted category and level 3 would be the lowest weighted category. After discussion on what odor abatement practices should fall under what category, attorney Scifres made the suggestion that, because of the limited number of odor abatement options for which we were awarding points, an elimination of the use of three (3) different levels would probably be most appropriate. Instead, he suggested simply determining which ones were the most effective and assigning points for their implementation giving greater weight to those relatively more effective to other odor abatement methods.

There was also further discussion on the issuance of penalties for non-compliance. President Hoar agreed to email a "track-changes" version to attorney Scifres to incorporate the new language changes. Adam Dufour made the motion, seconded by Jerry McClellan to change the weights making the maximum award for the "operator on-site occupancy" to 80 and the maximum odor abatement points to 115. The motion passed 6-0. Adam Dufour made the motion, seconded by Jerry McClellan that all of the discussed changes be implemented into a new draft for circulation. The motion passed 5-0 (Jeff Souder departed the meeting at 8:00 p.m., due to a previously-announced conflict and was not present to vote).

Upon a motion made by Danielle Walker, seconded by Jim Day, the meeting was unanimously adjourned at 9:04 p.m.

David Hoar, President

Scott Maudlin

Jerry McClellan

Adam DuFour

Phillip Marshall

Jeff Souder

Jim Day

Ervin Day

Danielle Walker

Danielle Walker

COMMISSION ATTORNEY

Thomas E. Scifres

Thomas E. Scifres