MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held August 5, 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. Member Jeff Souder led the members and audience present in the Pledge of Allegiance. Phil Marshall led the group in prayer. Attorney Thomas E. Scifres took roll and reported that all eight members were present, noting that Lane Freiberger's seat was still vacant. Phil Marshall made a motion to approve the minutes, seconded by Scott Maudlin. The minutes were approved by unanimous vote.

David Hoar addressed those present with opening remarks. The first new item of business was Richard Becht of Earth Savers Development LLC. Mr. Becht presented two (2) documents; the first was a Verified Petition to Vacate Subdivision Plan Plat and Covenants. The second was a Vacation of Dutch Park's Subdivision. Mr. Becht discussed plans to have seventeen (17) lots in this original plat. However, only two houses had been constructed and he planned to reduce the subdivision to four (4) lots. He reported that there was not a road developed that required vacating by the county. After discussion and a presentation of the law on the issue, Phil Marshall made a motion, seconded by Adam DuFour, to approve the vacation of the plat of Earth Savers Development, LLC presented by Mr. Becht, which was approved 8-0.

The second item of business as a presentation by John Mead, legal counsel for the Twin Rush and Elk Creek Conservancy Districts. He was present to request that the Plan Commission develop an ordinance relating to those districts and noted that attorney Andrew Wright, legal counsel for Delaney Creek Conservancy District, was also in attendance. Attorney John Mead stated that the purpose of his visit was to request that the Washington County Plan Commission include in its zoning ordinance restrictions on the construction of private residences on the breach side of dams in these conservancy districts. He noted that Twin Rush has two (2) dams at Lee Lake and Winslow Lake, classified as "high hazard" structures because of houses that had been constructed down steam. Delaney has seven (7) such "high hazard" dams. When these dams were originally constructed, they were not classified as "high hazard" dams. However, the state has since established new guidelines, whereby the definition of a "high hazard" dam has been modified, now rendering them in the higher risk category. Now classified as high hazard dams the state has asked the conservancy districts to hire engineers to re-design the spillways to protect these houses. The cost for such re-design and re-construction will be extraordinary.

Attorney Mead reported that the basis for the change in classification was the direct result of the existence of residences existing on the breach side of the dams and asked that the Plan Commission pass an ordinance preventing the construction of any new structures in the breach inundation area of any conservancy district dam. As high-hazard dams, these now must be inspected every two (2) years by a registered engineer. Mr. Mead noted that the tax base simply will not support the cost to upgrade dams. Attorney Andrew Wright noted that only one (1) dam has the spillway mapped out and a hydrological study will have to be completed. The Plan Commission expressed general agreement with the adoption of such an ordinance. President David Hoar asked whether NRCS could provide maps for the plan commission to work with, and whether every dam should be considered. The general consensus from both attorneys was in the affirmative as to both issues. Attorney Wright suggested that in the county's zoning ordinance, these areas should be treated as an "overlay district" and referred to as a "flood breach overlay district." Attorney Mead agreed that if the Plan Commission would favorably consider the proposal, he would contact NRCS to get technical data to assist in the mapping of these areas for drafting purposes. Jeff Souder made the motion, seconded by Adam Dufour to incorporate such language in the zoning ordinance, subject to receipt of further information from attorney Mead.

For the next order of new business, attorney Andrew Wright next appeared as a representative of the Salem Plan Commission. He requested an amendment to the subdivision control ordinance to recognize the territory outside the Salem City limits over which the Salem Plan Commission has zoning authority and further asked that such an ordinance provide that if someone lives within this jurisdiction, and wants to partition such real estate, the proposed subdivision of land must first be submitted for approval by the Salem Plan Commission prior to the County Auditor accepting the subdivision in the transfer books. Phil Marshall made the motion to allow attorney Wright to undertake the procedure to adopt such an amendment and to schedule the same for public hearing at the next meeting on September 10, 2013. Jim Day seconded the motion which passed unanimously.

Under old business, President David Hoar brought to the floor the subject of the pending draft of the Washington County Zoning Ordinance and the topic of set-backs for animal feeding operations. He reported that he had spoken with the state pork producers at Farm Bureau regarding the possibility of varied setbacks for animal feeding operations. Danielle Walker noted that Randolph County has a tiered system of setbacks based on animal units, which she had reviewed. President Hoar suggested that our ordinance needed to define the difference between a CAFO, a

CFO and an AFO. Because CFO referred to certain minimum animal units above those regulated by the state, he felt we needed to refer to "Animal Feeding Operations" (AFO) rather that "CFO."

President Hoar also reported that he had made contact with Danielle Walker and discussed innovative ideas regarding a point system and "odor abatement practices objectives." Under this system, a producer could achieve up to forty (40) points under each tier for odor abatement practices. Twenty (20) points would be awarded for the first method implemented in that tier for odor abatement and five (5) additional points would be awarded for each additional practice in each tier.

Danielle Walker also advised that she had spent time reviewing regulations on setbacks for animal feeding operations implemented in the state of Louisiana and the state of Illinois. Those, she reported, considered the difference between dry vs. liquid manure.

Phil Marshall advised that he had talked to East Washington Rural Water Corporation and the Town of Pekin regarding water usage. However, he had not spoken with Posey or Campbellsburg. East Washington Rural Water Corporation says that it is getting close to cutting the supply of water for any further confined feeding operations. A discussion ensued about water supply and whether it should be included as part of a point system or making water company approval and the availability of a second water source as mandatory in lieu of an optional point value.

The Commission then took up various individual categories for the award of potential "points" under the ordinance for discussion as follows:

a) The first discussion was the topic of section density. It was discussed that the evaluation of the population density in a "Section" in a township should be changed so as to encompass a one-half mile radius instead. The idea behind such a change would more directly account for the goal of addressing the impact on the population closest to the proposed operation. For instance, if an individual lived right at a section line, evaluating the density in that section would not account for the density population of neighbors just over the boundary line in the next section who were closest to a proposed operation.

b) Next was a discussion and general agreement that a farmer living on the property should be given points in the form of a "homestead credit." The rationale behind such an award is that those who actually live closed to an operation are more likely to take measures to abate odors and other nuisances from the operations.

c) Third was whether points should be awarded for existing land uses. Specifically, there was general discussion about the goals of the comprehensive plan and what points should be awarded in varying amounts based on whether the existing use of the property was tillable crop land, pasture land or wooded land. Member Adam Dufour pointed out that most good timber land does not lend well to animal feeding operations.

d) The next item of discussion was whether points should be awarded for any IDEM or EPA violations in the past by existing operators. Danielle Walker reported that she contacted IDEM and learned that most violations were in the nature of a paperwork violation. IDEM suggested that we limit any such point deduction to actual environmental spills or contaminations as opposed to technical paperwork violations.

e) The next topic of discussion was the award of points for an emergency management plan. President Hoar advised that this topic deals with environmental spills and has nothing to do with site location. Accordingly, there was a general consensus that an award of points to determine setback distances would not be appropriate on this topic.

f) The final category of discussion was the notification of neighbors. Attorney Scifres suggested that the notification of neighbors was a "best practices" issue that everyone seemed to agree should be a mandatory step rather than something for which farmers could be given favorable treatment and lower setbacks. He pointed out that awarding points to a proposed operation for simply sending a letter with no control over the content did not operate to help achieve the goal of determining appropriate setbacks. He suggested a form letter that would be required to be sent to all residences within a one-half mile radius. There was general consensus that this should be removed from the point system and established as a mandatory practice for the installation of a new operation.

President Hoar advised that he would try to make contact with consultant Kari Keller-Steele regarding the proposed point system ordinance for the next meeting. He concluded by reading a resignation letter he had received from Lane Freiberger. The commission discussed that Mr. Freiberger was an appointment to the Plan Commission by the Washington County Council. Mr. Hoar agreed to request that the council fill this vacant seat with a new appointment.

Phil Marshall made the motion to adjourn the meeting, seconded by Jeff Souder. The meeting adjourned by a vote of 8-0.

David Hoar, President

Scott Maudlin

Lane Freiberger

Adam DuFour

Phillip Marshall

Jeff Souder

Jim Day

Ervin Day

Danielle Walker

COMMISSION ATTORNEY

Thomas E. Scifres

List of Dams in Washington County from IDNR Database

Dam Name	State ID	Emergency Plan Exists?	Hazard Potential	Last Inspection Condition	Nearby Town/City	Height	Length	Drainage Area	Owner Type	Owner Organization Name	Last Name	First	Phone Number	Email Address
ELK CREEK DAM NO. 1	88-1	NO	SIGNIFICANT	Fair	Pumpkin Center	31	600	1.05	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
ELK CREEK DAM NO. 9	88-10	NO	SIGNIFICANT	Fair	Pumpkin Center	42.5	950	2.45	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
PALMYRA LAKE DAM	88-11	NO	LOW	Conditionally Poor	Fredericksburg	23	375	0.84	PRIVATE		Ables	Wade	(502) 664-8797	
TWIN-RUSH DAM NO. 3	88-12	NO	HIGH	Conditionally Poor-CR	Rush Creek Valley	74	665	4.69	CONSERVANCY DISTRICT	Twin Rush Creek Conservancy District	Mead	c/o	(812) 883-4693	twinrush@salemlaw.com
TWIN-RUSH DAM NO. 2	88-13	NO	HIGH	Fair-CR	Rush Creek Valley	65	1540	9	LOCAL GOVERNMENT	City of Salem			(812) 883-4265	
DELANEY CREEK DAM NO. 1	88-14	NO	HIGH	Conditionally Poor-CR	Kossuth	59	740	3	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	D. Wright
DELANEY CREEK DAM NO. 2	88-15	NO	HIGH	Conditionally Poor-CR	Kossuth	41	700	2.35	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 3	88-17	NO	HIGH	Poor-CR	Kossuth	51	550	1.84	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 4	88-18	NO	LOW	Conditionally Poor	Millport	39	950	2.44	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 5	88-19	NO	SIGNIFICANT	Fair	Millport	45	1450	2.77	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
ELK CREEK DAM NO. 2	88-2	NO	SIGNIFICANT	Conditionally Poor	Pumpkin Center	39	580	1.21	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
LAKE MITCHELL DAM	88-20	NO	LOW		New Pekin	20	200		PRIVATE		Ferguson	Mitchell	(812) 967-3020	
ROBINSON LAKE DAM	88-21	NO			Borden	19.5	550	0.25	PRIVATE		Robinson	Othel		
TWIN-RUSH DAM NO. 1	88-22	NO	HIGH	Poor-CR	Lawrenceport	50	970	8.6	CONSERVANCY DISTRICT	Twin Rush Creek Conservancy District	Mead	c/o	(812) 883-4693	twinrush@salemlaw.com
BURL JEAN LAKE DAM	88-23	NO			New Pekin	18			PRIVATE		Burl	Roger		
DELANEY CREEK DAM NO. 13	88-24	NO	LOW	Conditionally Poor	Millport	39	515	0.8	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 14	88-25	NO	HIGH	Conditionally Poor-CR	Millport	31	320	0.3	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 15	88-26	NO	LOW	Fair	Kossuth	38	610	1	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 16	88-27	NO	HIGH	Conditionally Poor-CR	Millport	35.2	440	0.45	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 12	88-28	NO	HIGH	Conditionally Poor-CR	Millport	38	314	0.45	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
DELANEY CREEK DAM NO. 10	88-29	NO	LOW	Conditionally Poor	Millport	24	870	1.3	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
ELK CREEK DAM NO. 3	88-3	NO	SIGNIFICANT	Conditionally Poor	Little York	32	605	0.48	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
DELANEY CREEK DAM NO. 11	88-30	NO	HIGH	Fair-CR	Millport	39	320	0.35	CONSERVANCY DISTRICT	Delaney Creek Conservancy District			(812) 883-6795	
CHESTNUT HILL TREE FARM D.	88-31	NO	LOW		South Boston	26	354	0.46	PRIVATE		Meine	Lee		
COON DOG LAKE DAM	88-32	NO			South Boston	18	230	0.06	PRIVATE		Goering	Albert	(812) 967-4491	
CRYSTAL LAKE DAM	88-33	NO	HIGH	Satisfactory-CR	New Pekin	40	700	0.55	PRIVATE		Ernstberger	Paul	(812) 944-7861	
MORIN LAKE DAM	88-34	NO	HIGH		South Boston	20	500	0.3125	PRIVATE		Scott	David	(812) 967-6480	

List of Dams in Washington County from IDNR Database

Dam Name	State ID	Emergency Plan Exists?	Hazard Potential	Last Inspection Condition	Nearby Town/City	Height	Length	Drainage Area	Owner Type	Owner Organization Name	Last Name	First	Phone Number	Email Address
ELK CREEK DAM NO. 6	88-4	NO	LOW	Fair	Little York	29	480	0.61	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
ELK CREEK DAM NO. 7	88-5	NO	SIGNIFICANT	Conditionally Poor	Little York	34	945	0.87	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
ELK CREEK DAM NO. 8	88-6	NO	SIGNIFICANT	Fair	Little York	22	500	0.86	CONSERVANCY DISTRICT	Elk Creek Conservancy District	Mead	John	(812) 883-4693	info@salemlaw.com
PEEK-A-BOO LAKE DAM	88-7	NO	HIGH	Satisfactory-CR	New Pekin	52	850	0.23	PRIVATE	Lake Site Non Profit Association Incorporated	Jones	John	(812) 883-3088	cbaldwin@gmcity.com
SALINDA LAKE DAM	88-8	NO	HIGH	Fair-CR	Fredericksburg	39	635	5.5	LOCAL GOVERNMENT	City of Salem			(812) 883-4265	
JORDAN LAKE DAM	88-9	NO	HIGH	Fair-CR	Pekin	31	592	1.75	PRIVATE	Jordan Lake Association	Mayberry	Don	(812) 967-4056	

To: David Hoar
President, Washington County Area Plan Commission

From: Lane Freiberger
Member, Washington County Area Plan Commission

Subject: Letter of Resignation

Date: August 1, 2013

President Hoar,

It is with regret that I need to tender my resignation from the Washington County Area Plan Commission, effective immediately.

I will be relocating out of Washington County within the next month, that face and work conflicts have made it impossible for me to continue to work on the plan commission.

I regret that I must due this before our work is complete, and I wish the rest of the plan commission members the best for the future.

Best Regards,

Lane C. Freiberger
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Salem, IN 47167
502.295.3367
lane@blueriver.net