MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held May 6, 2013 at 7:00 p.m.
Council Chambers—City Hall Building

This public meeting was called to order by David Hoar at 7:00 p.m. Ervin Day led the Pledge of Allegiance and Scott Maudlin led those present in prayer. Attorney Thomas E. Scifres took roll, and those present were Ervin Day, Jeff Souder, Phil Marshall, Danielle Walker, Jim Day, Scott Maudlin, Adam Dufour, and David Hoar. Lane Freiberger arrived shortly after the meeting began.

The Board was presented with the minutes of the April meeting. Jim Day made the motion that those minutes be approved with Adam Dufour seconding. This motion passed 8-0.
David Hoar announced to those present and those just entering the meeting that a public hearing would be had at 7:30 p.m. and asked that those that wanted to speak should sign in to do so.

David Hoar welcomed the public and made opening remarks.

Next was old business. Jim Day asked that Danielle Walker go over the changes made to the proposed zoning ordinance after the April meeting. Danielle Walker went over those changes. There were no questions from the Plan Commission on the proposed changes. David Hoar mentioned that the scheduled June meeting for the Plan Commission had a couple of conflicts with member's schedules. There would be enough for a quorum but David Hoar and Phil Marshall will not be available to attend.

David Hoar then asked if there was any new business to be discussed. There was none at this time.

David Hoar then asked for a suspension of rules as there was fifteen (15) minutes before the scheduled start time of the public hearing. Lane Freiberger made the motion to adjourn the Plan Commission meeting and proceed with the public hearing at 7:30 p.m. Phil Marshall seconded the motion. The motion passed 9-0, and the public hearing commenced.

The Plan Commission meeting was reconvened after the conclusion of the public hearing.

David Hoar brought up that the language regarding a CFO owner having the option to receive a residence waiver was not in the proposed ordinance. Danielle Walker stated that §701.1.2 applies only to off-site residences. Max Greene stated he has no problem with the waiver so long as there are no reciprocal set-backs.

Attorney Scifres inquired about Rhonda Greene's objection to the omission of any regulations relating to building size. She confirmed that the purpose in having such a requirement would be to catch producers who are just going under the numbers to keep from being regulated. Rhonda Greene reiterated her thoughts on regulating building size. Irvin Day explained his concerns about using building square footage to regulate operations, stating the large buildings could be used for a number of things unrelated to the confined feeding of livestock.

David Norton stated it is easy to measure how big a barn is but harder to count the animals within the building. He thinks it is hard to look at that and know for sure. He also recognizes that there are different sized barns for different sized animals. Attorney Scifres suggested that the delivery records from the company would be a good source for such information.

Attorney Scifres asked if it is reasonable to believe that in the poultry industry could or would there be a possibility to decrease the numbers to come in under the thresholds. Trey Martin, of Tyson Foods in Corydon, Indiana, said they do not decrease numbers of animals based on regulations. Farbest members agreed that there were no plans to change their animal numbers of their contract growers.

David Hoar said the number of animals and the issue of manure and odor output is the driving purpose behind regulation.

With no further comment, Scott Maudlin made the motion for the meeting to be adjourned. Jeff Souder seconded the motion. A discussion was had on which way to proceed with the proposed ordinance. Lane Freiberger then made the motion that this ordinance be sent to the Board of Commissioner's with a positive recommendation. Jim Day seconded that motion. David Hoar then asked for a roll call vote on this motion. Lane Freiberger made the motion to close the discussion, with Adam Dufour seconding. A vote on the positive recommendation to the Commissioners was taken with Ervin Day, Jeff Souder, Phil Marshall, Danielle Walker, Jim Day, Scott Maudlin, Adam Dufour, and Scott Lane Freiberger voting aye, and David Hoar voting nay. The ordinance will be sent to the Commissioners with a positive recommendation with a vote of 8-1. Attorney Scifres proceeded with the Certification to be attached to the ordinance and forwarded to the Commissioners.

With there being no further business before the Commission, Adam Dufour made the motion for the Plan Commission meeting to be adjourned with Lane Freiberger seconding the motion. The meeting was adjourned by a vote of 9-0.

David Hoar, President

Scott Maudlin

Lane Freiberger

Adam DuFour

Phillip Marshall

Jeff Souder

Jim Day

Ervin Day

Danielle Walker

COMMISSION ATTORNEY

Thomas E. Scifres

PUBLIC HEARING
WASHINGTON COUNTY PLAN COMMISSION
May 6, 2013 7:30 p.m. (local time)

MINUTES

Attendance: See sign-in sheet

The Public Hearing for the Washington County Plan Commission was called to order.

The floor was then opened to members of the public to speak. They did so in the following order stating their concerns and questions as follows:

Larry Lang commented that the crowd has decreased in numbers with each additional hearing that has been had on this matter. He also recited his experience in agriculture as well. He feels the set-back from a residence should be 750 feet. He urged people to do right by their neighbor.

Kim Churchman, who resides on S. Shorts Corner Road, spoke next. She stated that she just wants fairness for everyone. If CFO's are limited in the area that will take away from possible economic endeavors. She questioned the language in §701.2.1 regarding CFO's that were built prior to this ordinance and where there protection is. She feels that reciprocals also need to be addressed and be fair to the farmer.

Bill Smith asked several people how many chicken and turkey barns are in Washington County, he asked the Commission at this time. David Hoar said he was unable to answer that question. He then discussed water use of the farm operations. Jim Day suggested he contact the Washington County Assessor to help him get the information he is requesting on the number of poultry barns within the County.

Eric Albertson residing on E. Farabee Road had concerns about §701.2 regarding set-backs statements. His concern was not with the number of livestock but that the protection is one-sided. He also feels that if both sides are not protected then conflicts will arise more so than they do now.

Rhonda Greene stated that she would like to see a 15,000 square foot minimum for buildings. She also suggested all operations should be allowed to obtain a waiver from neighboring landowners to minimize conflicts. She stated that the proposed ordinance is in fact a non-law if passed.

Don Rogers who resides on Lockenour Lane told a story about a neighbor who bought some manure from a turkey farm. He experienced a lot of smell from this and could hardly breathe.

He had to close the windows and cancel a picnic. He stated the smell bothered his daughter. He then said gnats began to bother his residence. That is why he comes to these meetings.

Michael Gettlefinger who resides on W. Rosebud Road expressed concern about the set-back fairness. He feels like if he is being told he has to place his farm operation 750 feet from a residence that a residence should have the same set-back. Lane Freiberger stated that the protection language in the ordinance would not stop someone from building close to the property line but it would ensure that CFO could expand without then being held to set-backs from the residence that was built after the CFO.

Lori Farris residing on S. Hollow Road, said §202 requires a finding of fact in writing by the Board. She finds it very interesting and thinks the Plan Commission needs to know the facts and how many poultry houses are in the County. She then asked, when the 750 foot set-back is decreased to a 400 foot set-back, how many more operations could be placed with the reduced number. David Hoar explained how that change made the map look different. Attorney Scifres explained that the change the set-back map looked very bleak for the confined feeding operations with a 750 foot set-back. She stated that there were twenty-one (21) poultry barns near her residence. She also went on to say that the farms around her home have been proactive in trying to keep the issues to a minimum. Her main question was how many more houses could be put in with a 400 foot set-back versus a 750 foot set-back. She also said she had a fly problem recently.

Max Greene spoke next discussing the reciprocal set-back. He asked if farmers were willing to give up that set-back to build their home within the set-back to their farm.

Mike Yeager stated that he resides out of the county but owns property in Washington County. He has been a contractor for years. He does not feel anyone would like to have a poultry house within 400 feet within their home.

Steve Yeager stated that he owns property on Lockenour Lane, and was present to support Don Rogers. He lives out of the county. He is concerned about the property value going down.

Adam Dufour pointed out that currently any poultry barn under the 30,000 threshold has no set-backs. With the proposed ordinance, there would be set-back requirements at lower livestock numbers. He also pointed out that the State does not have any reciprocal set-back requirements, stating that humans are generally not considered undesirable to poultry.

David Hoar and Scott Maudlin also discussed that the 400 foot State set-back was just adopted recently, but in this ordnance, applies it to lower numbers of livestock.

Coleen Devlin commented on the attorney that attended the last meeting.

There being no further public comment Scott Maudlin made the motion to close the public hearing and to re-open the Plan Commission meeting with Jeff Souder seconding. The motion was passed 9-0 and the public hearing was adjourned.

David Hoar

Danielle Walker

Scott Maudlin

Lane Freiberger

Phillip Marshall

Adam Dufour

Jim Day

Jeff Souder

Ervin Day

COMMISSION ATTORNEY

Thomas E. Scifres