

BZA MINUTES

MAY 16, 2016

Members present: Bill Davis, Phil DeHaven, Jim Hufford, Myron Cougill and Lee DeGuise.

Absent: Charles Addington and Christy Starbuck.

Legal representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Mat Berger, Aaron Chalfant, Bradley Inskeep, Bill Staugler, Matt Dirksen, Ben Dirksen, Norm Hartzell, Joe Baldwin, Jolyne Baldwin, Danny Hill, Bob Cook, Stephen Holliday, Deb Holliday, Terry Bales, Ron Chalfant,

Chairman DeGuise: It is 7 O'clock, May 17, 2016, and I open this meeting of the Randolph County Board of Zoning Appeals. The first item on the agenda is to approve the minutes from the last meeting, all those in favor of approval signify by saying aye. All those opposed. Minutes are approved. Second order of business, BZA2016-7-V, a variance filed by Jolyne Baldwin. Is Jolyne Baldwin here? Can you please come up to the table? This is a recorded meeting, I need your name and your address.

J. Baldwin: My name is Jolyne Baldwin, I live at 4793 North 300 West, Winchester, Indiana.

Chairman DeGuise: And did you receive Article V, Conduct of Hearing from Debra?

J. Baldwin: Yes, I did.

Chairman DeGuise: So, what we are going to ask you is, in your own words, just what you are asking from us, sir.

J. Baldwin: What I am asking for, first I would like to take the opportunity to thank the Board for hearing my case here. I am here because I am semi-retired—I work a couple of days a week, I have been in farming for the last 10 years, and I have my own farm. I have been involved in the production of agriculture all my life. My wife Alice and I have four sons, and they would like to get into farming and this is a way to get everybody tied together in farming. I have 38.1 acres on a quarter mile square, I don't know why it came out to be 38.1 but we would like a variance to construct two 20,000 square foot buildings that would be 50' by 400' and what we are going to do is separate the 38.1 acres and thirty will be set aside for the turkeys, and 8 acres will be for the house for my wife and I for our estate planning. Each barn will have 5,000 turkeys in it, and that does not meet the definition of a CFO or CAFO Confined Feeding Operation. The turkeys will be on dry litter, there won't be a pit or anything so there's very little smell. It will be tunnel ventilated and my farm is in an area of Randolph County that is zoned for agriculture. The Area Planning Office has categorized this type of feeding operation as a minimum impact livestock building and that would be in the table 3.I-.01.1 as primary use in agriculture. Our proposed site would exceed all minimum setbacks from the road, waterways, property lines, and nearest residences. We have been raising turkeys there since 1967.

Chairman DeGuise: So...awhile.

J. Baldwin: Actually my dad started raising them there in 1950. We raised about 75 turkeys per year. So, it's been a family business and we'd sure like to get back into it. I'd sure appreciate a favorable outcome for this. Does anyone have any questions for me?

Chairman DeGuise: No, I don't have any right now, does anyone else on the board have any questions? Mr. Baldwin, you may go back to your seat for now. Well, we have a room full here, I guess I will ask if anyone else would like to speak about this particular case? If there is, would you make your way to the front one at a time please, and state your name for the record.

Joe Baldwin: My name is Joe Baldwin, I live at 438 North 625 East, Union City, Indiana.

Chairman DeGuise: And what can we do for you Mr. Baldwin?

Joe Baldwin: The gentleman who just spoke is my father, and I just wanted to mention that since I was a very young boy, actually before I was born my family has raised turkeys on this farm, raised turkeys on the range, which is outside of a confinement building, where water could wash anything into Bear Creek which is located very close to where we are proposing to build these buildings. I think that this opportunity to build this operation that is environmentally controlled, temperature controlled, where we can manage the manure in an agronomic method is definitely superior to how we used to do it in the past. This is a farm that's been a turkey farm for over 50 years and we'd like to continue this operation on this farm. My father has been gracious enough to me and my three younger brothers and our families, each of us have children that would like to be involved in agriculture. It's just an opportunity for us to continue the legacy that my grandfather, Warren Baldwin and my father Jolly Baldwin have built in production agriculture specifically with turkey production on the farm. I would also like to note that if in fact we had proposed to build these buildings which, as my father stated are about a third of the animal units that would require us to fall into the CFO or CAFO rules for Randolph County and for IDEM. If we were to build this on the outskirts of the City of Winchester pursuant to your Zoning Ordinance we would only be required to have five acres and we are asking for a variance for 30 acres in an ag intensive zone, and not five acres where we wouldn't have to come before the board in ag limited zone. So, I know there's some issues with the Zoning Ordinance and we're working together to try to fix that, but I would certainly like you to take that into consideration that if we were within a mile of the city limits we would only need 5 acres to build these facilities. Again, for the sake of the family, our estate planning and the way we would like to manage this site and this facility and my dad's farm I would appreciate a favorable recommendation for the variance on this farm to be less than 40 acres, just 10 acres less than 40. Thank you very much.

Chairman DeGuise: Thank you for speaking. I saw another hand, would you please step forward, sir? Please state your name and address for the record.

M. Dirksen: Matt Dirksen, 1864 West 300 North, Winchester. Me and my brother both own land adjacent to the Baldwins, and we've always gotten along real well with them and I'm not going to go on and on but myself, Ben, my brother Aaron, we've talked it over, and we think we would like to see you

give them the variance. We have livestock ourselves, and we understand that there could come a point in time that we might need the same thing so we really want to support them. It's not a major amount of land that they want to go down to. I think in Randolph County we could use some more livestock and it would be nice to, I mean we'd welcome the barns to be in our area. Unless my son wants to speak also, I may be speaking for him and my brother, but we'd like to see you approve the variance tonight. Thank you.

Chairman DeGuise: Is there anyone else who'd like to speak in this case? Please step forward sir.

B. Staugler: Yes, I'm Bill Staugler with Cooper Farms in Fort Recovery. I just wanted to see if anyone had any questions for me also, I'd be happy to answer any questions. There is a lot of interest in building turkey buildings for Cooper Farms. And we go through quite a process of talking to the people who are interested in building turkey barns. We talk to the gentlemen and their wives, and they are all just first class farmers. If you know their situations and where they live and how they keep their farms, to us, anyway, that's what we look at. These guys are going to do it right, the way we look at things. We wouldn't be interested unless we thought they were going to do things right. And we will actually make it our job to send someone out there weekly to make sure that everything is done according to the guidelines that are set forth in raising animals. So, I just wanted to let you know how we go about things. So, all these families here tonight, in our estimation they are just first class families and we really look forward to working with them in the future.

Chairman DeGuise: I appreciate you speaking that way of Randolph County residents. Any questions for this gentleman? Anyone else? Any discussion from the board or any questions from anyone? Do I hear a motion to approve the variance? So I will entertain a motion to take a roll call vote. All in favor of taking a roll call vote signify by saying aye. All those opposed? Debra, roll call vote please.

D. Johnting: Myron Cougill—no, Jim Hufford—yes, Phil DeHaven—yes, Bill Davis—yes, Lee DeGuise—yes. Motion passes.

Chairman DeGuise: Variance approved. Next on the BZA Agenda, BZA2016-8-V, a variance, filed by Hill-Top Turkey Farm LLC. Hello gentlemen, would you please state your names for the record?

D. Hill: I'm Danny Hill, 2216 S Huntsville Road, Winchester.

B. Cook: I'm Bob Cook, I am the attorney representing the petitioner for the variance.

Chairman DeGuise: Thank you gentlemen.

B. Cook: I would also like to give the board some post findings of fact which I am going to request the board to adopt after the hearing.

Chairman DeGuise: If the board would like to take a minute to read Mr. Cook's Finding of Fact.

P. DeHaven: Eleven pages of it, and we get it now Mr. Cook. I am sure that in your court if you were representing a defendant this would be strung out for a period of time. That's all I'm going to say. I'm going to read through it the best I can.

B. Cook: Well, Mr. DeHaven the problem of course is that the presentation and the proposed findings of fact occur this evening. And so this is a proposal that follows very much of what our petition is, which was distributed to you prior to this hearing.

P. DeHaven: Right.

Chairman DeGuise: Ok, we've had a chance to look over the Findings of Fact, so we ask that whichever one of you is going to speak in your own words what you are hear for, what you need a variance for?

B. Cook: Thank you Mr. Chairman, my name is Robert Cook, I am the attorney representing Hill-Top Turkey Farms LLC, with me is Danny Hill who is a member of Hill-Top Turkey Farms. Hill-Top Turkey Farms is like Baldwin's planning to have an operation for the feeding of turkeys. They are going to be requesting a 25 acre variance from the 40 acre requirement in Article 3I, Section 3.1-03.1. D&D Hill Farms LLC is the owner of a 57 acre tract and members of D&D Hill Farms LLC are the same members as Turkey Hill Farms LLC. The petitioner intends to construct four turkey barns, each one 51 feet by 400 feet. The approximate location on this 57 acre tract is indicated by the exhibit attached to the petition. That part of the 57 acres which lies west of the waterway is a flood plain and is unavailable to this project. The waterway consists of about 7 or 8 acres, therefore that leaves the 28 acres that abuts County Road 100 West for this project. The petitioner intends to use approximately 15 acres of this 28 acre tract. If approved for this variance, D&D Hill Farms will convey that tract to Hill-Top Turkey Farms LLC. Because of the number of turkeys to be on this operation at any one time, it is not considered to be a confined animal feeding operation subject to the rules and regulations of IDEM. However, the farm will be under contract with Cooper Farms which as you have heard in the testimony of Mr. Baldwin's presentation there are requirements in regard to the building of the facilities, there are requirements in regard to the care of the turkeys, there are requirements in regard to the dead turkeys and manure. Mr. Hill of course will take pride in it's operation. The operation will comply with all the setbacks requirements as required by the Unified Zoning Ordinance of Randolph County. The strict application of the provision of the Zoning Ordinance requiring 40 acres because of the flood plain will not allow him to use to comply with the 40 acres and that's because of the particular physical surrounding shaping topographical conditions of the specific property. The conditions upon which this requested is based would not be applicable to another property within the same zoning classification. And because of topographical conditions the request for the variance has not been created by any person presently having an interest in the property. So again, we are asking for a 25 acre variance in order to have this operation on 15 acres. Now if you will note from the exhibit attached to the petitioner's petition, we are about 600 feet from the east property line. And that would be from the nearest neighbor. And we would be happy to entertain any questions from the board.

J. Hufford: The watershed you are talking about, where is it located on this property? Is that the dark area here on the map?

B. Cook: Yes, the flood plain is located to the west of that waterway.

J. Hufford: Does that area flood?

D. Hill: Occasionally yes.

J. Welch: I might be a little slow, but if you have a 57 acre parcel now, why couldn't you just put it on the 57 acres, instead of parceling off the 15?

B. Cook: The fact that you have a flood plain on here would not make it available for use.

J. Welch: You can still put it where it is, but just not parcel it off, right? You can still put the barns where they are on the map and not parcel off the 15 acres. There is no requirement that you parcel off 15 acres to put barns on it, correct?

B. Cook: Well the requirement in the Zoning Ordinance is 40 acres.

J. Welch: Correct, and that is what you have, you have 57.

B. Cook: Well, I have 40 acres, and there are 40 acres there, but of that 40 acres there's also, I don't have 40 acres with the flood plain.

Chairman DeGuise: What Mr. Welch is trying to say is the overall parcel is currently 57 acres in which case you wouldn't even need a variance if you just put it on those 57 acres.

B. Cook: I am limited to, I'm limited on the acreage because of the flood plain. I am limited to the east portion of that acreage.

Chairman DeGuise: Right, but the variance is asking specifically to take the flood plain off the parcel, that's pretty much all it is doing. I'm looking at this map, and this was attached to the petition.

B. Cook: Correct.

Chairman DeGuise: And if I draw a line, straight down, the flood plain being on this side, how is that going to affect anything that has to do with the other side, other than parceling it off?

B. Cook: Well, if you're going to allow the turkey operation to operate in the flood plain I guess you don't need a variance.

R. Abel: That's IDEM's rule.

Chairman DeGuise: What I'm trying to say is that line that I'm creating from here over is flood plain. I haven't researched that I am taking your word for it. Parceling that off, even with parceling that off you would still build on the same spot that is not flood plain, we grant the variance you are still going to build in that same spot. The question is why the variance when you've got that already? You've got a total parcel of 57 acres, even if you did not build in the flood plain, you're going to build it here, you are still going to put your barns in a non-flood plain area. Parceling it off, all you're doing is parceling off the flood plain. You are still putting barns in a non-flood plain area. The rules we have to go by are in Article XVIII, Item 3 states that "A variance may be approved only upon a determination in writing that:" and subsection c states: "That strict applications of the provisions of the Zoning Ordinance will result in practical difficulties in the use of the property." In this case, there are no practical difficulties

according to the 57 acre parcel that there currently is. The barns would still go in the area that is not a flood plain.

B. Cook: So what you're suggesting is the full 57 acre tract would be used.

Chairman DeGuise: Well, it certainly could be, as it is now it is a 40 acre requirement, you are in excess of that already. I'm not sure what the question is...the question for me anyway, is why the variance if you're already meeting everything. All you are doing in this case is parceling off the flood plain.

J. Hufford: Right, and the only thing I can see is that if the EPA would say anything is that if it would flood? But that would not be our responsibility.

Chairman DeGuise: No, it's not. That's my question anyway, is I just don't understand a variance here. All we're doing is allowing you to parcel off a flood plain, and allow the buildings to be constructed in the same place as if we didn't grant the variance. Right in the same spot, the spot that is not the flood plain.

D. Hill: Part of my desire for this was to get it so that it was it's own entity, in just the area that it needed to be in.

Chairman DeGuise: Ok, I understand. But, looking at it from this side, I only know the information that I'm given. From our side, we see a 57 acre tract, which you are fully within your rights to go ahead and build on and be all done.

D. Hill: There's an existing mortgage on the 57 acres and it was a lender request that I try to get this cut down to just the acreage I needed to make it happen.

J. Welch: I think part of the concern is that 57 minus 15 is still 42. So then, that would allow enough acreage for another CAFO without coming back to the board.

B. Cook: There's not going to be and can't be another CAFO on this acreage, I think the gentleman from Cooper Farms can speak to this, but it's our understanding that you can't have two CAFO's in that close of vicinity.

D. Hill: First of all, they are not CAFO's, they are just barns.

J. Welch: If they were just barns, there wouldn't be the requirement of the reciprocal setbacks, I think its part of the concern of the board that needs to be alleviated.

B. Cook: But economically, practically speaking, you're not going to have two of these same types of operations in that close proximity.

D. Hill: They couldn't be constructed in the flood plain, anyway, and on the rest of it there wouldn't be adequate setbacks to do that.

B. Cook: In addition to which, Cooper Farms would not allow it to be that close together.

J. Welch: That's ok right now for us, but we're talking about 15 years down the road, what's going to happen then?

B. Cook: You still have an economic issue with the grower, I mean supplier, Cooper Farms not allowing it to happen because of disease, for another farm to be in that close proximity. There's only going to be one feeding operation that will be on this parcel of ground.

Chairman DeGuise: You've got to understand, Mr. Hill, the reason we ask all these questions, this board doesn't just decide on this parcel for Mr. Hill and Mr. Hill only, our decision follows this property, 50 or 60 years from now. So our decision is binding to this property. So, we take these questions very seriously. It is not anything to do with being for or against Mr. Hill, it's actually for the overall benefit of the community, basically that's what this board is, we're a group of different members of the community from different areas of the community. I just want to make that clear. I know we are going back and forth and it sounds like we are after Mr. Hill. We just need to be sure that the decisions we make here—they are going to affect your children, your grandchildren, and mine. So we just need to make sure that when we do them we have all the facts. I just want to be clear on that.

J. Hufford: Also, we just want to make sure, we're not the only governing body on something like this, and that when we give our permission for you to do something there are other agencies in the state that may have an interest. I was on a Board of Zoning Appeals Board over in Delaware County, and someone was given the right to build close to a flood plain, by the Board of Zoning Appeals. And the EPA came in and made them tear the business down and move it. I hate to see you build the buildings and someone else come along and make you tear them down.

B. Cook: That, would be as you stated, would be none of your concern. However, we appreciate that input and we would need to make sure that all applicable rules are followed.

J. Hufford: Well, that business I am sure wishes that someone would have given them a heads up before they built.

B. Cook: Absolutely, for the kind of investment being made here, of course we need to make sure we're right. So, in order to address the question here, I would state that it is practically not feasible for another operation to be on this 57 acre tract.

J. Welch: And the other part of that I guess, I'm just trying to help, in order for the board to approve the variance they have to make a specific finding that the strict application of the Zoning Ordinance will result in practical difficulties in the use of the property. So I guess that's what they need to decide on, if they don't approve this then you have to put it on the full 57 acres. Is that going to cause any practical difficulties? I guess is the question that the board has to decide. They have to make a finding about that so I think they might need some more information about that specific issue.

B. Cook: Well, if we've got to put the buildings where they are, there will be little or no difficulty for the applicant except for two reasons, there's a lender requirement, and there's a liability issue. And so, we try to limit this to the acreage that's required, which would be the 15 acres. Now, as a result of that, it meets every other requirement of the Zoning Ordinance except the 40 acres. And we want to limit the

number of CAFOs, or these kind of feeding operations, within this area. There can be no other feeding operations in this area just from a practical point of view, because of the economics.

R. Abel: Could other types of livestock be introduced, besides turkeys? Next to another turkey building? You can't have hogs next to turkeys?

B. Staugler: Yes, you can have hogs next to turkeys.

R. Abel: So you could put a hog operation right next to the turkey buildings and it would be acceptable to Coopers.

J. Baldwin: I can say for Maxwell Farms point of view, we would probably not put hogs next to turkeys.

Chairman DeGuise: But the key word there is probably.

R. Abel: But I mean there's no reason why there would be any bio-security reason.

Chairman DeGuise: I think the problem is, the board is concerned not what the Hill Family would do, but what someone else could do on the remaining 42 acres. And then Company X comes along and says I want to put a hog farm right next to that turkey farm. And there are ways to rectify that flood plain, and just because it is a flood plain today doesn't mean it will be a flood plain five years from now, or ten years from now. And the flood maps are due to be changed again I think in about 7 years. The way we work technology nowadays, who knows, they could change the GIS tomorrow morning if they felt like it. That's more of the question I have, and I think the concern of every other board member, I just asked it first. And again, as Mr. Welch pointed out, we have to go by regulations and also file findings of fact, and the stickiest point of our findings of fact is the Article XVIII, section 3c, "That strict applications of the provisions of the Zoning Ordinance will result in practical difficulties in the use of the property." That's where I'm stuck, I can't see a practical difficulty in using the property as it is rather than granting a variance and splitting it off. I don't see the practical difficulty. It does not mean that there are not extenuating difficulty. I don't see a practical difficulty. That's why we keep asking what the practical difficulty is.

J. Welch: Is the lender going to cut the project down if it's the whole parcel? I guess that could be a practical difficulty.

D. Hill: It's going to make it difficult. I don't know that I'm going to get shut down but it is going to make it difficult.

J. Hufford: Why would it make it difficult?

D. Hill: Because there is an existing mortgage on it and they requested that I sort this out into it's own entity. We have already formed an LLC for it and I was trying to get just the acreage needed for this project.

Chairman DeGuise: You also mentioned liability Mr. Hill, can you elaborate on that?

B. Cook: The concept of the Limited Liability Company is that it is limited to it's assets. You don't put exposure to any other assets so that if anything happens on this 15 acre tract it doesn't affect Mr. Hill's other assets.

Chairman DeGuise: Understood.

R. Abel: Another bit of added information for the board, there is no restriction in the Zoning Ordinance that the flood acres cannot be used to meet the 40 acres. Part of the acreage being in the flood plain would not be a restriction.

Chairman DeGuise: Question on the findings of fact, if you don't mind Mr. Cook. On page 3, number 18, "Operation will be conducted on 15 acres of the remaining twenty-eight (28) acres." I'm not sure where the 28 is?

B. Cook: The twenty-eight is east of the waterway.

Chairman DeGuise: Ok. And the waterway being what looks on our map to be a dirt road more or less?

B. Cook: More or less.

B. Davis: Has this already been surveyed?

B. Cook: No, we didn't want to do that yet.

B. Davis: Would you have any objection if you went 20 acres instead of 15? Or 18 or 19?

D. Hill: It only takes 10 acres for construction, that's why we went with 15, but yeah, if we need to do that, that would be an option.

Chairman DeGuise: You would completely take away one of the apprehensions of this board by that other tract being less than 40 acres, even if it is 39.55, if that makes any sense.

D. Hill: I see what you're saying. I would be willing to do that if I need to.

B. Cook: We would then be asking for an 18 acre variance?

Chairman DeGuise: Yes, you would be just modifying your request.

B. Cook: We would be happy to amend our petition if that would make it more acceptable to the board.

Chairman DeGuise: Any more questions?

M. Cougill: I am looking here where they've got 15 acres marked off, and there's 36 acres in the front part.

D. Hill: There are 28 acres in the front part, from the waterway to the road.

M Cougill: 28, ok.

Chairman DeGuise: Any other questions? That's all we need from you gentlemen, you can have your seat now, thank you.

Chairman DeGuise: Since we have quite a few people here this evening, I am going to ask if there is anyone here wanting to speak for this variance present who would like to come forward. Please state your name for the record.

J. Baldwin: My name is Joe Baldwin, 438 N 625 E, Union City. And I would just like to take another opportunity to present an issue to be contradictory in our Zoning Ordinance, as I sit here in favor of the variance for Mr. Hill, that just doesn't make a whole lot of sense. In Table 3.1-3.02 in Agricultural Limited, which is right outside of town a facility that is used for raising agriculture is only required to have 5 acres. And that is right outside of any incorporated area. Or within ½ mile of the state highway. What Mr. Hill is proposing is a variance to in an Ag Intensive area and he's asking for more than 5 acres. I just find it odd that if he was close to town he wouldn't have to be here today if he only had 5 acres.

Chairman DeGuise: I appreciate your comments Mr. Baldwin, but this board has to vote on what rules we are given.

J. Baldwin: I understand, and that's very true. But I just wanted to continue to present the fact that something doesn't make sense in the zoning rules and we need to take that into consideration when we are talking about Ag Intensive.

Chairman DeGuise: That's a topic that Area Planning has to take up.

J. Baldwin: Absolutely and I agree with that, I just wanted to take the opportunity again, and bring it to everyone's attention. I think that it is something that Area Planning is working on, and I think it will be a benefit to the county when we all work together on that.

Chairman DeGuise: Thank you Mr. Baldwin. Is there anyone else in the audience who would like to come forward and speak?

S. Holliday: My name is Steve Holliday, I live at 4621 N 100 W, across the road from Dan Hill's proposed turkey barn.

T. Bales: My name is Terry Bales, and I live across the road also. 4333 N 100 W.

S. Holliday: What we wanted to know is, how is Dan going to handle the manure, and what is he going to do with the dead turkeys and the smell. Deb and I live northeast of him and Terry lives right across the road. And what about the ground water that runs from the barn down into the waterways? Mud Creek runs over there, and all these waterways drain into Mud Creek.

Chairman DeGuise: On this map that was provided by the applicant, your house is here, and you sir, your house is here. I just wanted to make sure I knew where you were. Thank you.

S. Holliday: Could that affect our well? Could that get in and poison our wells? You know we would have to drill a new well or we'd have to sell out and move.

Chairman DeGuise: Some of these questions I am obviously going to allow the applicant to respond to, Mr. Cook and Mr. Hill.

S. Holliday: Another question too, is he going to build an incinerator over there to incinerate the dead turkeys?

T. Bales: That puts off a heck of a smell.

D. Hill: It will be a compost building that will be rotated weekly, as the birds decompose. It will not be an incinerator.

T. Bales: Is it in an enclosed area? Where coyotes and possums will not get in?

B. Staugler: The facility that is built for composting will be of concrete walls, there will be a roof over it, it will be managed according to the soil and water requirements. If done properly, and that's our job by the way, to make sure it is done properly, there won't be any odor from the composter. The composters work really well. You would much rather have a compost facility than an incinerator. An incinerator a neighbor would definitely smell. A composter will work fine. And I totally understand the gentlemen's concerns. All that I can tell them on behalf of Cooper Farms, these questions are asked of us all the time. We guarantee that you would much rather have the composter close by than the incinerator. The gentlemen who raise these animals will do that according to our guidelines. So, they will rotate their compost facilities. This is a different business than it was 20 years ago. They don't waste manure. If they don't have ground to put it on they will sell it. There is a good commodity for manure these days for fertilizer. I will tell both these gentlemen that I will give them my card with my phone number and if any issues come up they can give me a call and we'll go through it. As far as the water, there will only be runoff from the buildings. If it is a flooding issue, that's got to be taken up with the soil and water in your local government. There will be no manure mixed in with that run off. Everything is roofed. There is no water that gets inside your building and then runs off into the ground outside. Now, if someone applies manure to farm ground at the wrong time at the wrong levels then there are issues in the creeks, but that would have nothing to do with this complex. And again, we will be behind these gentlemen 100%, we'll be with you guys. We don't want to be out there involved with any of that. And that's why I say, Danny has been calling me for two years to build turkey buildings, he wants to do that for one reason, it's a good investment for him. But he really wants to do this and do it right. I totally am behind him 100%. You just have to go to his farm and see how he does things. I just ask these gentlemen to...I understand, you are going to look across the street and see a lot of metal buildings....

S. Holliday: That's not the problem, it's going to be the smell, and it that going to pollute our well?

B. Staugler: You know, I'm not a genius, but I'm just telling you there is nothing that can get in the ground that can pollute your well. It's not like there's runoff out of the turkey barn into the ground.

S. Holliday: How are you going to store the manure? Is it going to be stored outside.

B. Staugler: No, it's not stored. It's directly taken out of the building and done with whatever the farmer wants to do with it. It will mostly be applied to the farm ground, just like all farmers do, at a rate that is within the guidelines, and then the rest of it they will sell. That's the one thing about turkey litter, it's not like chicken or hog manure to where it is manure. Turkey litter is mixed in with shavings. These turkeys are raised on 4-6 inches of shavings so it's 75% to 80% of what's hauled out of the barns is actually shavings or rice hulls or something like that that the manure is mixed in.

S. Holliday: It's how much, 75% rice hulls?

B. Staugler: Or straw, sawdust, hulls.

S. Holliday: So that's 25% chicken manure.

B. Staugler: It's turkey. Which isn't very much. There will be 250 tons of turkey manure out of their flock per year. When those barns are cleaned out, and it's up to them, but they will apply it as needed on their farms.

T. Bales: The issue I have with it is that mold that grows on it, that histia thing gets in your eyes. I have a paper here from my eye doctor. I got this from working with poultry when I was younger. I have scars on my retina. I got to check this chart all the time to make sure my eyes aren't getting worse. It's caused by spores from the manure of poultry.

B. Staugler: I'm not saying this just because I work for Cooper, the thing about this is, I live around turkey barns too, and we will have 450 turkey finishers out amongst a 40 mile area around Fort Recovery-Saint Henry and I have never heard of health issues with turkey dust.

T. Bales: Well I never heard of this thing until just a few years ago when I worked in poultry when I was about 19 or 20 years old. My eye doctor asked me if I worked around chickens. And I had to stop and think and I said, yeah, I worked around chickens....

B. Staugler: Well, in closing, these gentlemen will have our phone number if they have any issues that come up with poor management or anything like that.

S. Holliday: I have another question, what's that going to do to our property values? Is somebody not going to come buy our place because it stinks?

B. Staugler: I can't really answer that, but history reflects that properties by turkey farms bring just as much as it would if there were no turkey farm there.

B. Davis: I would just like to make this point—he still has enough acreage where he does not have to come to us if he chooses to. He's got more than 50 acres there and if he wants to keep that, no one can stop him.

S. Holliday: So it doesn't make any difference if he stinks us out, and our property values are not worth anything...

B. Davis: He's got enough acreage that he does not have to ask us permission.

T. Bales: So all our comments are mute then....

B. Davis: I'm not saying that, I am just saying he has enough acreage.

S. Holliday: Do you have a turkey farm across from your place?

Chairman DeGuise: No, but I'm a real estate broker.

S. Holliday: So what's that going to do to our property value then, you're a real estate broker?

Chairman DeGuise: You are to the south and to the west?

S. Holliday: No, I am to the northeast.

Chairman DeGuise: So it's this way.

S. Holliday: And the wind comes out of the southwest a lot.

Chairman DeGuise: That's why I asked where you were, I may not be a farmer, but I do live here.

J. Hufford: And you are in an agricultural intensive area, if you live in the country this is one of the things that you are going to have.

Chairman DeGuise: You see the problem here is...

S. Holliday: You see Dan owns a lot of ground up towards Winchester, he could build it on some of that ground there. That's what we are concerned about.

Chairman DeGuise: The problem here is that Area Planning takes care of writing these restrictions that we must vote on variances for. We don't create those on this board. All we do is allow variances or changes.

S. Holliday: I understand but we're concerned about our properties and about the smell and our health. He has a lot of ground other places. He lives clear out south of town, it's not going to affect him, and his dad lives there by Winchester, so it's not going to affect his mom and dad. So, he has other places he could build.

Chairman DeGuise: As Bill was trying to point out the other part here, let's say a wild for instance, we turn down his variance here tonight, tomorrow morning he can apply for a building permit, on these 40 acres and we can't do anything.

S. Holliday: If he built it on 40 acres, he would have no problem.

Chairman DeGuise: That's correct sir. We only vote to allow variances to what the Area Plan has already set in place. That's all this board has the power to do.

S. Holliday: Well, we're just concerned about our property and stuff too.

Chairman DeGuise: I appreciate that, and I very much appreciate you coming forward and speaking your mind on that, it is your right as a citizen to do so as an adjacent or nearby landowner. That's why everybody is notified that this hearing is going to happen, so members of the community do speak out for or against. This board is very good at listening. We want to hear what everybody has to say. When we make decisions on this board it is affecting a lot more than just the applicant. We know that it's affecting everyone in the community. That's why we're from different areas of the community because it's an overall what is good for the entire community. So yes, we very much appreciate you coming forward.

T. Bales: I hope I got my point across about the eye thing. I brought this thing from the eye doctor because I don't understand it myself.

S. Holliday: What about the bugs? Someone told me the flies are really bad with turkeys.

B. Staugler: With turkey manure you won't have the flies like you would have with a chicken complex. Now, will there be some flies with a turkey complex? Yes, but a minimal amount. It's just been something that we don't see much issue with.

T. Bales: I understand it's an agriculture intensive area, but when did it become that? I been there for all my life, and turkey barns didn't just come in from nowhere, you know what I mean?

Chairman DeGuise: If you look around your house, it's all agriculture, and has always been farming.

T. Bales: Farming, but not animal farms or nothing.

Chairman DeGuise: You'd be surprised, there's a lot more in the county than you think.

T. Bales: I know there's a lot, I drive around, I see it.

Chairman DeGuise: They're everywhere.

S. Holliday: Thank you, if you give me your card we will contact you if we have a problem.

T. Bales: Thank you.

Chairman DeGuise: Is there anyone else who would like to speak? Mr. Hill, would you like to say anything in defense or rebuttal of their comments?

D. Hill: I understand their concerns, I wouldn't want it next to me either, I do not have anyplace else that I can put it.

Chairman DeGuise: That has nothing to do with this board, though.

D. Hill: I know, I just wanted to assure them that I don't have another place to put it.

Chairman DeGuise: Mr. Thornburg, do you have anything you'd like to add.

E. Thornburg: The only thing I have to say is that I helped him verify that he does not have another place to put them.

Chairman DeGuise: Ok, thank you.

B. Cook: In light of our discussion, we are asking to amend our petition for a 22 acre variance instead of a 25 acre variance. Requesting a 22 acre variance means that the operation will occur on 18 acres making the remaining acres 39 acres and that will not allow another CAFO operation on the remaining acreage. So based on that I request approval of the variance. Any questions on that, on what we just did?

M. Cougill: I didn't get all that.

Chairman DeGuise: What Mr. Cook and Mr. Hill are asking is that the parcel that will have the buildings on it will now be 18 acres not 15, and the remaining parcel that is left over after the split off will be 39 acres, therefore being under the required 40 acres and another CAFO could not be put on that parcel. Does that make sense? Ok, is there a motion for a roll call vote? All those in favor signify by saying aye, all those opposed. Debra please.

D. Johnting: Myron Cougill, yes, Jim Hufford, yes, Phil DeHaven, yes, Bill Davis, yes, Lee DeGuise, yes. Motion carries.

D. Hill: Thank you.

Chairman DeGuise: Thank you for coming. Unless there is any other business from the board or any other discussion I will entertain a motion to end this meeting. All in favor signify by saying aye, all those opposed. Meeting is adjourned.

Lee DeGuise, Chairman

Bill Davis, Vice Chairman

Debra Johnting, Recording Secretary