

January 14, 2016

The Board of County Commissioners met in special session on Tuesday, January 14, 2016 at 7:00 p.m. for a public hearing of the first reading regarding amendment of the 2013 Revised Zoning Ordinance for Clay County. Specifically, the Board of County Commissioners considered adoption of amendments to Section 2.02, Definitions, Section 3.07, Concentrated Animal Feeding Operations (CAFO), Section 4.05.01, NRC: Natural Resource Conservation District and Section 4.05.02, A-1: Agricultural District, which were recommended by the Clay County Planning Commission. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Also present: Toby Brown, Southeast Council of Governments, Cynthia Aden, Zoning Administrator, and Carri Crum, Auditor.

Toby Brown explained the proposed changes to the public.

Jerry Wilson spoke against the amendments and requested that documents he presented regarding neighboring counties be entered into the public hearing record.

Archimedes Plutonium spoke against the amendments.

Sharon Gray opposed the amendments, expressing concern about small operations being grandfathered in to allow for expansion to a medium operation ¼ mile from residences.

Jim Petrick said there is a future need for more livestock production in order to keep up with increasing demand.

Mike Cody, of Yankton, spoke about issues he experienced in Yankton due to the livestock sales barn located in the city.

Mike Lovejoy discussed the need to make regulations conducive to future generations of farmers being successful.

Judy Sharples spoke against the amendments and urged Commissioners to keep the ordinance as is.

Bruce Gray was in favor of maintaining the current ordinance.

Dean Spader spoke against the proposed changes and in favor of planned grazing land for livestock as an alternative to CAFOs.

Clarence Pederson voiced concern about setbacks in the proposed amendments and urged the Commissioners not to change the current ordinance.

Geoffrey Gray-Lobe said he strongly opposed changing the current ordinance.

Cindy Kirkeby said the current ordinance should be maintained with the exception of the insurance provision.

Todd Christensen said if land use is too restrictive it limits what a farmer can do with his land.

Travis Mockler said the comments he has received mostly focus on the next generation of farmers and the difficulties they may face getting into the business. Mike Lovejoy and Jim Petrik echoed what Travis Mockler reported.

Harry Scholten said Clay County does not need to have everything more concentrated.

Travis Mockler said a concern is that the current ordinance, if enforced, could put many current farmers out of business.

Norma Wilson said she does not understand the reasoning why the current ordinance is not sufficient.

Raymond Passick asked the audience, outside of the AFO (Animal Feeding Operation) designation, what exactly is it about the existing ordinance that makes it too difficult for the current Clay County farmers to expand, and what about the proposed changes make it helpful. Keith Mockler replied that he and his brother, Todd, are a small operation of about 150 head of livestock. Due to some apartments that have been built recently near his farm, it is impossible under the current ordinance for him to expand his operation. Jerry Wilson asked why the reverse setback is proposed to be removed. Travis Mockler said it is currently not enforced, and has not been in the past. Leo Powell said the apartments in question went beyond what the building permit allowed. Sharon Gray said the ordinance should not be changed to remove the reverse setback, but rather enforce the situation in question. Raymond Passick discussed waivers connected with a conditional use permit.

John Davidson said the county does not need to make such a comprehensive reform, and he would prefer the matter to be tabled and for the County to deal with specific pieces.

Jim Petrik said the proposed amendments are a balance between the 2005 ordinance and the 2013 revision.

Liz Merrigan said there is no problem with stopping for more thought regarding the ordinance because everyone has a right to live in a peaceful place.

Nancy Carlsen said the public has not had the opportunity to participate in drafting the changes.

Mark Winegar said what troubles him is that the County should be able to enforce the current ordinances before looking at making changes.

Craig Johnson said unless the ordinance is changed, it will affect his livelihood.

Laurie Brown asked how the current ordinance got to the point where everyone is breaking the law. Toby Brown explained that in 2013, the AFO definition was taken out of the regulations. The 2005 ordinance had an AFO definition. With the removal of the AFO definition, it opened the regulations up to added requirements and expenses to the farmers in order to comply. The current proposed amendment restores the AFO definition.

Cindy Kirkeby said the small animal operation numbers seem like a lot to her.

Marty Gilbertson said, speaking for himself and not as a member of the Clay County Planning & Zoning Commission, if the current producers want to expand, the County is currently effectively asking them to tear down and move their operation in order to expand, which would put them out of business.

Bob Wood asked for clarification on the Small A and Small B setback. Travis Mockler said the setback has always been ¼ mile.

Mark Winegar, Toby Brown, and John Davidson discussed the reverse setback.

Grant Sorensen discussed his operation and said he is in favor of the ordinance amendments.

Raymond Passick said, in his personal opinion, a mistake was made with the 2013 revision. Then speaking as a Commissioner, he said as soon as someone realized there was a problem the Commissioners took action to correct it, and it has been a long process.

Cindy Struckman-Johnson said the County should deal with the small operations that are affected instead of being concerned about \$40 million dairies.

Nancy Carlsen asked if a committee could be formed to review the changes line by line. Micheal Manning said that is what the Commission effectively did by asking the Planning & Zoning Commission to review the ordinance.

Nancy Losacker said people need to be prepared for the unknown, such as tornado damage.

The Commission closed the public hearing to any further comments with a motion by Manning, seconded by Powell and carried.

Powell moved, seconded by Packard and carried to set the public hearing for the second reading on February 9, 2016 at 7:00 p.m.

Passick moved, seconded by Manning and carried to adjourn at 9:29 p.m.

ATTEST:

Carri R. Crum, County Auditor

Travis Mockler, Chairman
Board of County Commissioners