

March 14, 2016

The Board of County Commissioners met in a joint session with the Clay County Planning & Zoning Commission and a special session on Monday, March 14, 2016 at 6:00 p.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Planning & Zoning Commission Members Present: Jay Bottolfson, Marty Gilbertson, Joe Hubert, and Jerry Prentice. Also present: Cynthia Aden, Zoning Administrator, and Carri Crum, Auditor.

The commissions discussed potential changes to the Concentrated Animal Feeding Operation (CAFO) regulations.

Jerry Wilson provided information about the process for developing the regulations and discussed other aspects of the proposed changes.

John Davidson requested that the commissions consider issues with Zone B Aquifers and suggested that the commissions break down the issues into separate parts and deal with them accordingly, especially considering animal numbers as that seems to be the biggest issue.

Bottolfson discussed a letter of opinion from the State's Attorney's Office regarding reverse setbacks.

Passick clarified that the purpose of the meeting was not to make final decisions regarding the ordinance, but rather to discuss and ask questions.

Packard requested clarification regarding the insurance process for CAFOs, and Bottolfson, Aden, and Mockler clarified the order of the process.

Passick identified 3 things within the ordinance that were important to him. He suggested setbacks be developed regarding waters of the state. He also suggested a conditional use process be used when a small operation desires to expand to a medium and discussed requirements that could be imposed. Finally, he discussed the dairy numbers within the ordinance. Passick proposed allowing expansion to take place only in a direction that would not diminish setbacks and requiring a plan for a barrier between the CAFO and other properties (i.e. trees, berms, or other options). He also reviewed dairy numbers within neighboring counties' regulations and suggested eliminating a cap within the number tables and giving the Clay County Planning & Zoning Commission the tools necessary to evaluate the operations on an individual basis before granting them the ability to expand.

Manning asked Passick if his suggestions would apply to other animals as well, and Passick discussed that dairy operations should be considered separate from others. Gilbertson clarified that swine producers in the County seem to be comfortable with current regulations.

Packard suggested a graded fee scale for conditional use permits and pointed out that for bigger operations, the County would have to hire professionals to evaluate the situation. The graded fees would assist with the additional costs.

Packard discussed that Passick's proposal does have merits for protection and for economic development. Bottolfson discussed that the counts could fluctuate a bit in a real world operation, so there should be some leeway for the animal units.

Further discussion took place regarding reverse setbacks.

It was decided that the commissions would meet again in joint session on March 28, 2016 at 5:15 p.m. in the Courthouse.

The joint session was adjourned at 7:15 p.m.

At 7:17 p.m., the Board of Clay County Commissioners met in a special session to consider an Application for Occupancy on the Right of Way of Public Highways in County from the City of Vermillion for an electric transmission line along 464 Ave. in Section 12, Township 92N, Range 52W, 316 St. in Section 7, Township 92N, Range 51W, and 465 Ave. in Sections 7 & 8, Township 92N, Range 51W. Powell moved, seconded by Manning and carried to approve the application.

At 7:18 p.m., Manning moved, seconded by Powell and carried to adjourn.

ATTEST:

Carri R. Crum, County Auditor

Travis Mockler, Chairman
Board of County Commissioners