

July 11, 2019
REVISED Meeting Minutes
12:00 p.m. to 1:30 p.m.
Concentrated Animal Feeding Operation (CAFO) Working Group

Members of Working Group present:

Cristy Joy, Dale Softley, John Hansen, Paula Peterson, Scott Johns, Stephen Martin, Tim Kalkowski and Theresa Pella; Steven Skoda and Marijane Handcock absent.

Also present: Tom Cajka, Steve Henrichsen and Rhonda Haas, Planning Department and several members of the public.

Henrichsen called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Henrichsen asked if anyone wanted to make changes to the agenda. Johns stated that he did not feel comfortable voting on the minutes from past meetings that is listed on the agenda.

Henrichsen requested a motion to adopt the agenda. Motion for approval made by Peterson, seconded by Martin and carried, 8-0: Joy, Softley, Hansen, Pella, Peterson, Johns, Martin and Kalkowski voting 'yes'; Skoda, Hancock absent.

Henrichsen stated second on the agenda is approving the revised minutes, which reflect changes from Theresa Pella, for the meetings of March, April, and May. Hansen asked if the requested changes had been made to the minutes. Henrichsen stated that all of the revisions that were given by Pella for the minutes have been made. Cajka stating he emailed the group members the revised minutes.

Henrichsen requested a motion approving the minutes of March, April, and May. Motion for approval made by Pella, seconded by Peterson.

Hansen stated the minutes do seem to be accurate for the past meetings, but stating to him they are more accurately notes and not minutes. Explaining there were no formal votes in any of the past meetings, and that is why he feels they are meeting notes. Hansen made motion to change the wording from minutes to notes on the past group meetings. He stated that when the group session changed and became more formal that was the point he feels they could be called minutes.

Motion to amend to change the wording from minutes to notes on the past group meetings made by Hansen, seconded by Johns.

Johns inquired if the change is made from minutes to notes, if that will change how they are recorded. Henrichsen stated if someone were to ask for formal minutes for the meetings, we would only be able to say the group adopted notes for the first six meetings. Pella asked if this would cause problems along the way. Henrichsen stated ultimately the County Board adopts a series of changes and if someone wanted to go back to the working group for their minutes, it would be a challenge. He stated the working group provides an invaluable service when drafting an item, which goes forward to the Planning Department, then Planning Commission and finally the County Board. If there are questions, in the future, they could argue they are notes and not minutes and throw the item out and that could be a possibility. Henrichsen stated that he has had discussions about the minutes with the County Attorney,

who has stated it would be more appropriate to adopt~~ed~~ them as minutes, and that it should have been done at each of the meetings. Discussion continued on the minutes from the first six meetings and ~~whether~~^{what} they should be called minutes or notes.

Hansen stated moving forward there will be formal motions made and this will be the basis that the Planning Commission will receive~~d~~ its report ~~but he feels and he fills they the previous summaries~~ are notes. Peterson stated as a person that takes minutes for meetings, she feels they are minutes. Discussion followed.

Henrichsen stated when presenting recommendations to the Board it will be on the group's^{'s'} final recommendations and that is what matters.

Softley called the question.

Henrichsen stated that there would be a vote to change the language on the six meetings minutes to meeting notes.

Motion for approval on the motion to amend made by Hansen, seconded by Johns and lost 4-4; Softley, Hansen, Johns and Kalkowski voting 'yes'; Joy, Peterson, Martin and Pella voting 'no'; Skoda, Hancock absent.

Henrichsen stated at this point he recommends that it is stated it was a split vote, and that the group moves forward and adopts the past meeting minutes as notes. He stated that at the next meeting group members could always reconsider this item and change the language. Discussion continued on the naming of the minutes.

Henrichsen stated the minutes will reflect that they were voted on as a group and not after the individual meeting and that they were adopted as part of the record on July 11, 2019 as a group.

Pella made motion to change the language as follows: minutes (compiled from staff notes), seconded by Martin and carries 8-0; Joy, Softley, Hansen, Pella, Peterson, Johns, Martin and Kalkowski voting 'yes'; Skoda, Hancock absent.

Henrichsen stated there would be a vote on the main motion to adopt the minutes into record as amended.

Final vote: On the main motion as amended and carries 7-1; Joy, Softley, Hansen, Pella, Peterson, Johns, Martin and Kalkowski voting 'yes'; Johns voting 'no'; Skoda, Hancock absent.

Henrichsen requested a motion to approving the minutes for the meeting held June 27, 2019. Motion of approval made by Kalkowski, seconded by Peterson and carried, 7-0: Joy, Softley, Hansen, Peterson, Johns, Martin and Kalkowski voting 'yes'; Pella abstained; Skoda, Hancock absent.

Henrichsen stated in this next section the group will discuss some of the comments made by the public and the public comment draft.

Kalkowski stated he felt the last meeting went excellent with the public comments, and that there were items mentioned that he is wanting to discuss. He stated the Comprehensive Plan and a transitional

agricultural zone may already be in place, because of the zoning areas that we have. Next, penalties for noncompliance, he explained that DEQ already has some of this in place. Lastly, the water usage and water quality. He stated the application needs to have the applicant show proof that they have adequate water for their needs.

Johns questions whether the Lancaster County is prepared for this size of a Costco CAFO Operation. He stated there are regulations in place, although he doesn't feel anyone knows the consequences of approving several CAFO Operations.

Kalkowski stated with these new rules there would be a lot of existing facilities in Lancaster County that would not have qualified under this, which concerns him. In the future, if someone wanted to live in the area they should know it is an agricultural zone and that the ag have certain rights in this zoning.

Pella stated if you are an agricultural facility you would need to be at least one mile from the next border and asked if it would be equal to say to that a developer could not build within one mile of an existing agricultural facility. This would be a safeguard on both sides. Johns stated they would need to review the Comprehensive Plan. A lot of the people that are having problems with the CAFO are areas that already have an established acreage, and they have concerns about their property values. Martin stated with the way it is written currently, it asks the question of does it fit. Henrichsen stated there are specific areas that are designated in advance in the Comprehensive Plan for acreage development, which is shown as low density residential, with most of the remaining county for ag development. Pella inquired if you could state that an ag facility could not locate in an area that is a low residential density area in the Comprehensive Plan. Henrichsen said yes, this would be something that could be put into the Comprehensive Plan, requiring a specific distance from an already existing area and from future low density residential areas. Johns stated this could be the transitional zone. Hansen stated that the use of transitional zones is increasing and is a useful tool.

Henrichsen showed the group members the Comprehensive Plan online and showed the land use map, how to use the map and answered questions for the members. Discussion continued with the land map and setbacks required in the Comprehensive Plan.

Next meeting is set for Tuesday, July 23, 2019 from 12:30 p.m. to 2:00 p.m.

Pam Wakeman, 15751 Bobwhite Trail, Crete, wanting to comment on the minutes and asked that minutes be revised, to include what other group members would like added. She stated that there should be a distinction made on if the farmer owns the animals or not. Explaining there is difference between owning them or if they belong to someone else. She stated she lives about a mile from the proposed site and has an issue with the information that is coming from the planning staff.

Jane Egan, 7001 W. Old Cheney Road, Denton, stated basic rules of order should have been given to the members in advance to help them through the meeting process. She stated that the map showed Hickman when the group was having discussion and that it should have shown Denton instead.

Jonathan Leo, 2321 Devonshire Drive, stated that he was wanting to amend his statements from the last meeting, on the construction and operating permit portion. He stated that he has three pages of comments that he was wanting to submit to the group members and have them added as part of the record. He stated that he is disappointed that Henrichsen notes are being transformed into minutes and he feels these are notes, and not minutes.

Henrichsen stated that he wanted to make the group aware that the Planning Department has received an application for another CAFO in the north part of the county, and is ~~tentatively~~ attentively scheduled to go before the Planning Commission on August 7, 2019. With no new regulations in place yet the application ~~is~~ will be reviewed ed under ~~with~~ the current regulations and process.

Adjourn 1:32 p.m.