

# LINCOLN COUNTY COMMISSIONERS MINUTES

## P&Z Public Hearing

November 5, 2018

**Rebecca Wood, Chairman; Roy Hubert, Commissioner; Terry Zech, Commissioner; Sarah Thomas, Clerk for Minutes.**

In attendance: Larry Kerner, Carol Boudreaux, Julia Oxarango-Ingram, Mark Hopper, Mary Davidson- P&Z Administrator, Guy Hopkins- P&Z Administrator, E Scott Paul- Prosecuting Attorney.

11:47am- Chairman Wood opened the P&Z meeting.

There are no minutes to be approved at this time.

11:48am- 3 String Cattle LLC- CAFO Application Decision

This meeting is not open to public comment.

It is explained that the meeting will be in accordance to the Reasoned Decision Appendix "A" Procedure 11, Zoning Ordinance 2017-22-8. The chairman will read options A-H, after each Reasoned Decision is read, the commissioners will state their decision and their reasoning behind them. If at any point there is a nay vote on any decision, the application can be denied.

Reasoned decision:

A. YES- Will in fact, constitute a Conditional Use as established within the applicable district or zone; OR

NO- Will not in fact, constitutes a Conditional Use as established within the applicable district or zone;

Comments:

Commissioner Zech- aye, Commissioner Hubert- aye, Chairman Wood- aye

B. YES- Will be harmonious and in accordance with the general objectives or specific objective of the Lincoln County Comprehensive Plan or this Ordinance; OR

NO- Will not be harmonious and in accordance with the general objectives or specific objective of the Lincoln County Comprehensive Plan or this Ordinance;

Comment:

Commissioner Zech voted no siting the County's Comp Plan sections 14 and 15.

Commissioner Hubert voted no siting the County's Comp Plan and Ordinance 3.4.

Chairman Wood voted no stating the application doesn't meet the Conditional Use permit setbacks. Peggy Santos and Marge Simpson's property falls within the ¼ mile setbacks of the proposed CAFO site.

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Prosecutor Paul advised the board.

Chairman Wood called for a vote on subsection B on the P&Z Reasoned Decisions: whether the CAFO meets the subsection of the ordinance. The commissioners voted unanimously no.

Prosecutor Paul addressed the hearing explaining that CAFO is denied because it does not meet the ordinance. Chairman Wood asked the prosecutor if there was a need to continue with the review of the remaining Reasoned Decision since the application was denied. Prosecutor Paul recommended continuing through the Reasons for legal purposes.

C. YES- Will be designed, constructed, operated and maintained to be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; OR

NO- Will not be designed, constructed, operated and maintained to be harmonious with the existing or intended character of the general vicinity and that such use will change the essential character of the same area;

Comment:

Commissioner Zech voted no siting Ordinance 3.4-121.

Commissioner Hubert voted no stating the same reason as Commissioner Zech.

Chairman Wood voted no stating the same reason as Commissioner Zech.

D. YES- Will not be hazardous or unduly disturbing to existing or neighboring uses; OR

NO- Will be hazardous or unduly disturbing to existing or neighboring uses;

Comment:

Commissioner Zech voted no siting CAFO ordinance 3.4 1 subsection 1.

Commissioner Hubert voted no siting the testimony of the neighboring residences and Comp plan pg. 20.

Chairman Wood voted no for reasons already stated

E. YES- Will be or can be served adequately by essential public facilities and services such as highways, streets, sheriff and fire protection, drainage structures, refuse disposal, water, sewer and schools at a reasonable cost, which will not be detrimental to the economic welfare of the community; OR

NO- Will not be or cannot be served adequately by essential public facilities and services such as highways, streets, sheriff and fire protection, drainage structures, refuse disposal, water, sewer and schools at a reasonable cost, which will be detrimental to the economic welfare of the community;

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### Comment:

Commissioner Zech voted no because of the testimony received from the Dietrich Highway District and because he didn't believe the manure disposal had been adequately addressed.

Commissioner Hubert voted no because of the testimony from Dietrich Highway District

Chairman Wood voted yes. She believed that the Highway District receives taxes for whatever businesses are to open in the town, and that should adequately compensate this.

### Discussion

F. YES- Will not be unduly detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, odors or water pollution; OR

NO- Will be unduly detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, odors or water pollution;

### Comment:

Commissioner Zech voted no stating the many residences expressed concern about noise; believing that whether the concern is real or not, it will negatively effects the way of life.

Commissioner Hubert voted no for the same reason.

Chairman Wood voted no for the same reason.

G. YES- Will have vehicular approaches to the property which are designated so as not to create an interference with traffic or surrounding public thoroughfare; OR

NO- Will not have vehicular approaches to the property which are designated so as not to create an interference with traffic or surrounding public thoroughfares;

### Comment:

Commissioner Zech voted no because he believes that it will increase slow moving traffic.

Commissioner Hubert voted no based on the testimony from Lyle Towne, representative of the Dietrich Highway District.

Chairman Wood voted yes stating she believes the approaches are acceptable. This is an agricultural community.

H. YES- Will not result in destruction, loss or damage of a natural scenic or historic feature of major importance; OR

NO- Will result in destruction, loss or damage of a natural scenic or historic feature of major importance;

### Comment:

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Commissioner Zech voted no stating that although it is not a historic feature; the natural scenic view of the sunset could be negatively affected by dust.

Commissioner Hubert voted yes because there are no major historical features in Dietrich at risk.

Chairman Wood voted yes because there are no major historical features at risk.

Prosecutor addressed the meeting.

Commissioner Zech made a statement concerning his decisions.

Commissioner Hubert made a statement concerning his decisions.

Chairman Wood believes that the non-compliance of ¼ mile setback from other property owners set in 3.3 of the CAFO Ordinance is enough to sufficiently deny the application despite the other reasons.

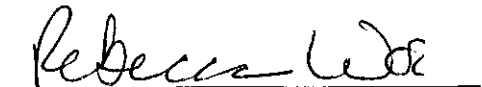
**Commissioner Zech made a motion to deny the application for 3 String Cattle LLC- CAFO Expansion. Commissioner Hubert seconded. Vote unanimous in favor, motion passed.**

Prosecutor Paul recommended that any and all notes to be saved for future evaluation.

12:13pm- Chairman Wood adjourned the P&Z Public Hearing.

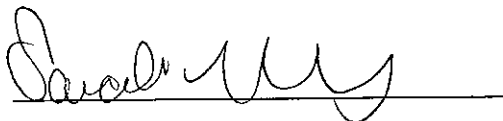
Respectfully,

Sarah Thomas, Clerk for Minutes



Rebecca Wood, Chairman

Attest:



Sarah Thomas, Clerk for Minutes