

PLANNING & DEVELOPMENT

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Item 05
01-14-14

Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: January 7, 2014

Re: Annual Re-Adoption of Master Matrix for review of Confined Animal Feeding Operations (CAFO)

Eleven years ago the Board of Supervisors first adopted the Master Matrix to allow Scott County's participation and input in the application process for new or expanded animal confinement feeding operations. Such operations which exceed certain capacity thresholds in Scott County are reviewed by the County to ensure that they meet state requirements for approval of a state construction permit. The IDNR rules require that a county annually adopt a construction evaluation resolution and submit it in the month of January with the State DNR to ensure continued participation. In order to be able to evaluate proposed sites for large confinement facilities counties must adopt these rules by resolution and notify the DNR by Jan. 31, 2014. In early 2013, the Board reviewed a CAFO expansion submitted by Dennis Kirby for his existing operation in Lincoln Township. In 2012 the Board reviewed two CAFO expansion applications for compliance with the Master Matrix, one for Grandview Farms in Sheridan Township and one for Paustian Farms in Cleona Township. In 2012, the Board also reviewed and recommended approval of a third application which was not an expansion and therefore did not have to be reviewed using the matrix criteria for the replacement of a nursery building on the Paustian farm.

The Board did not receive any proposed permits to evaluate in 2011. The year before that, 2010, the Board reviewed two applications, one submitted by Bryan Sievers for a Confined Cattle Feeding Operation on his family farm in Liberty Township. The other was submitted by Tom Dittmer for an expansion of an existing hog confinement operation on his family farm. The Board did not review any applications the year before in 2009. Previously there was one application in 2008 and 2007, and two applications for expanded CAFOs in Scott County in both 2006 and 2005 that were reviewed using the Master Matrix. Scott County also received two other applications in 2005 for expansions that were not large enough to trigger review under the Master Matrix criteria.

New or expanded confined animal feeding operations that reach IDNR established capacity thresholds in counties with adopted Master Matrix review must meet higher standards than other permitted sites. They must earn points on the master matrix by choosing a site and using practices that reduce impacts on the environment and the community. Participating counties must evaluate and make a recommendation on all construction permit applications submitted to the DNR or they forfeit the right to evaluate sites until the next sign-up period.

The Iowa DNR website <http://www.iowadnr.com/afo/matrix.html> also has detailed information on the Master Matrix. There have been no changes to the requirements of the Master Matrix since the original adoption eleven years ago.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE _____

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

January 16, 2014

APPROVAL OF THE ADOPTION OF A CONSTRUCTION EVALUATION

RESOLUTION AS PROVIDED BY IOWA CODE CHAPTER 459

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. Iowa Code section 459.304(3) (2007) sets out the procedure for a county board of supervisors to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure.

Section 2. Only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) a recommendation to approve or disapprove a construction permit application for a confinement feeding operation structure.

Section 3. Only counties that have adopted a construction evaluation resolution and submitted a recommendation will be notified by the DNR of the DNR’s decision on the permit application.

Section 4. Only counties that have adopted a construction evaluation resolution and submitted a recommendation may appeal the DNR’s decision regarding a specific application

Section 5. By adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2014 and January 31, 2015 and submit a recommendation regarding that application to the DNR

Section 6. By adopting a construction evaluation resolution the Board of Supervisors shall conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305. However, the board’s recommendation to the DNR may be based on the final score on the master matrix or on other reasons as determined by the board of supervisors.

Section 7. The Scott County Board of Supervisors hereby adopts this Construction Evaluation Resolution in accordance with Iowa Code section 459.304(3) and designates the Scott County Planning and Development Department to receive such applications on behalf of the Board of Supervisors.

Section 8. This resolution shall take effect immediately.