Recommendation to the Saline County Commission  
Regarding Land Use and Future Development in Saline County  
from the  
Citizen Steering Committee  
of the  
Saline County Study¹

Recommendation
To provide for maximum and continuous citizen input regarding the future of our county, for the purpose of ensuring that the natural and cultural resources of Saline County are conserved and to ensure efficient expenditure of public funds to promote the health, safety, convenience, prosperity and general welfare of both present and future inhabitants of Saline County we recommend that the Saline County Commission initiate the process of preparing a master plan for the county. We further recommend that the planning process be open to public comment throughout and that the proposed master plan be submitted to a vote of the citizens of Saline County.²

In making our recommendation the steering committee is fully aware of the limitations imposed by the blanket exemption that applies to the regulation of agricultural land uses under the county planning and zoning (P&Z) enabling statutes. We therefore recommend that the master plan include a voluntary Good Neighbor Policy (detailed elsewhere in this recommendation) to deal with agricultural land use situations.

Should citizens approve the master plan and should the will of the people of the county—as expressed in the master plan—be circumvented by the limitations inherent in the voluntary nature of the Good Neighbor Policy, we think it proper for the Saline County Commission and the County Planning Commission to request that the state legislature reexamine the appropriateness of the agricultural exemption to P&Z.³

The steering committee does not recommend that the Saline County Commission adopt a county health ordinance⁴ to regulate concentrated animal feeding operations (CAFOs) at this time. We think the CAFO issue is best addressed through the framework of a voter approved comprehensive county plan which specifically states the county’s policy toward CAFOs. Having said that, we realize that situations could arise where the health ordinance approach might need to be considered. The two most obvious situations are if the master plan is not approved by the voters or if—subsequent to approval—the Good Neighbor Policy of the master plan is not effective in controlling CAFO-related agricultural land use. The following points should be kept in mind in considering a county health ordinance:

¹ The official title of the proposal that defines the Saline County Study is “Decision Support Assistance for Knowledge Based County Development in Saline County.” The name “Saline County Study” was adopted at the July 9 1997 meeting.
² State statute 64.725 provides the necessary authority to follow this recommendation. The important provisions of this statute are discussed briefly in the Public Input subsection of the Rationale section of this document. Some of the wording of the introductory paragraph of the recommendation is taken from this statute.
³ The agricultural exemption to planning and zoning can be found in state statute 64.620.2.
⁴ By ‘county health ordinance’ we mean an ordinance drawn pursuant to state statute 192.300.
• Linn County’s health ordinance was upheld by the Missouri Court of Appeals Western District, and the decision was not appealed to the Missouri Supreme Court.
• Despite the ruling of the Missouri Court of Appeals Western District, we concur with University of Missouri Law School Professor Jerry Organ’s opinion that the zoning-like restrictions of the Linn County ordinance are likely to be struck down if the Missouri Supreme Court ever speaks to the issue. Specifically, “buffer zone” requirements around CAFOs are not likely to stand.
• Again in concurrence with the opinion of Professor Organ we believe that the regulation of gaseous emissions (chemical concentrations) at property boundaries to protect public health and the imposition of buffer areas around important water resources to protect public health are defensible uses of the county’s health ordinance authority.
• The Missouri Department of Health is planning to conduct a study of the health impact of confined animal swine feeding operations. This study will be conducted in north Missouri after the current drought conditions there have eased and lagoons have returned to a more normal level. The results of this study will likely have a significant bearing on what may and what may not be included in a county health ordinance designed to regulate CAFOs.
• A new ordinance will possibly require added personnel and monitoring equipment for enforcement. For this reason—as well as to minimize the regulatory burden—regulations should be kept as few and as simple as possible.
• The 1997 proposed CAFO ordinance (officially known as Saline County Ordinance NO 97.1) had its beginnings in 1996 as a county health ordinance. In its final form the proposed CAFO ordinance based its authority on other sections of the state statutes. We do not believe that these sections grant to the county the authority to enact Saline County Ordinance NO 97.1.

Good Neighbor Policy

To address land uses that are exempt from planning and zoning regulations (such as agricultural land uses) a Good Neighbor Policy should be included as a part of Saline County’s total planning and zoning proposal. The Good Neighbor Policy might also be a useful adjunct for addressing certain non-exempt land uses and could also serve as an educational instrument outlining common rural courtesies and the ‘facts of life’ of rural living.

This policy would set the procedures under which neighbors living within the county, and outside of city jurisdictions, would voluntarily notify surrounding neighbors in advance of his/her action to change land usage in a way that could adversely affect neighbors. The county’s master plan would specify the particular zone (or zones) within which the land uses would be subject to the Good Neighbor Policy. We caution the temporary planning commission to avoid creating zones in which some uses would be subject to the Good Neighbor Policy and some uses would not. Such zones could

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5 In its final form Saline County Ordinance NO 97.1 was pursuant to state statutes 640.710 and 640.715.
6 This opinion is in concurrence with that of Professor Organ.
7 State statute 64.620.2—which contains the agricultural exemption—also contains an exemption for underground mining. State statute 64.560 contains an exemption for strip mining.
be judged as having non-uniform regulation of uses—a situation contrary to state statutes.  

The Good Neighbor Policy should invoke a fair waiting period, after notification, for neighbors to ask questions or to request the assistance of a member of the county’s mediation panel. Such mediator would be chosen based on the mutual agreement of the parties.

It is suggested that the mediation panel consist of up to eleven citizens appointed by the County Commission from as many townships as possible. The members of the mediation panel would receive training regarding the land use vision reflected in the county’s master plan. Members could also be given mediation training (such as available from the Center for the Study of Dispute Resolution at the MU Law School\(^9\)). A mediator would be expected to meet with and listen fairly and objectively to property owners and to report the results of each case to the County Commission and to the County Planning Commission.

As far as specific parameters, it is suggested the “fair waiting period” after neighbor notification be 30 days, and that “surrounding neighbors” be defined as land owners whose property lines lie within one mile of the proposed site change.

**Rationale**

**Public Input**

Throughout the seventeen land use public issue forums held in Saline County this spring, the following themes provided a common thread to many of the comments that were made:

- We care about the future of our county.
- We are concerned about more regulations.
- We want to be able to vote on any proposed regulations.
- We would like to plan our future and not just ‘let it happen’.

This public input was the primary reason that the steering committee of the Saline County Study felt that the appropriate course of action was to recommend county planning and zoning. This decision could not have been possible were it not for two significant changes that have been made to the county planning and zoning enabling statutes since county P&Z was defeated in Saline County in 1995 (by a vote of 1994 to 1751). These two changes allow for significantly more voter control of the P&Z process:

- In 1995 voters had to first approve the concept of P&Z; then, if approved, the master plan and its associated ordinances would be drawn up without being subject to a vote of the people. Now it is possible to draw up the plan and submit it to a vote of the citizens.
- In 1995 planning commissions were formed by appointment only. Now members of planning commissions can be elected.

Although concern was expressed about implementing planning and zoning at the land use forums, we feel that much of this concern was directed not so much at the concept

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\(^8\) See section 64.630 of the state statutes regarding the requirements for uniformity of regulations within zoning districts.

\(^9\) Located on the Internet at http://mail.law.missouri.edu/~csdr/ at the time this recommendation was being written.
but at the particular master plan that might be developed. We feel that the public will accept planning and zoning if they can be involved in developing a master plan that creates a positive vision for Saline County’s future.

**Study Proposal and Mission Statement**

Although the initial impetus for the Saline County Study was the CAFO issue, the final agreement between the Saline County Commission and University Outreach and Extension on May 27, 1997 was much broader in nature. The following is excerpted from the executive summary of the Saline County Study proposal:

> The Saline County Commission has requested assistance in creating a community-based process, with decision support assistance, which will help them create guidelines for future development and land use in the county. They recognize that there are several issues related to quality of life in the county which will require decisions by local government and other county organizations and agencies. Among the major issues are those related to animal agriculture, water quality, jobs and income, recreation and tourism, and protection of the natural resources and man-made environments in the county. They also recognize that those decisions will be better informed if citizens are involved throughout the process and are able to access the expertise needed to help them develop understanding of the issues, the alternative solutions and the consequences of the alternative choices.

The mission statement developed in August of 1997 reflects that the broad nature of the Study was recognized early on by members of the Study:

> Promote a rational, predictable and stable investment environment that identifies and protects key resources, personal rights and property rights through a process that involves and educates the citizens of Saline County.

The steering committee believes that the recommendation is consistent with both the proposal and the mission statement.

**Resources**

By the nature of the study proposal, the resources developed by the Saline County Study will be useful in facilitating the development of a master plan and in encouraging citizen participation in such development. These resources can help minimize the need for hiring outside planning specialists; this is important not only from a monetary standpoint, but also from the aspect that plans developed with a minimum of outside input are generally viewed more favorably by the voting public. The resources of the Saline County Study can be categorized into four broad categories: the voice of the people, research reports and other documents, technology and personnel.
The Voice of the People

As part of the seventeen land use public issue forums held in Saline County in the spring of 2000, notes were taken of the comments that were made at each forum. These notes are available on the Study’s Web site for individual forums and in several different consolidated variations.

Preference ranking surveys were also taken at the public issue forums. These surveys show the relative importance that participants attached to the following six items:

- **Environmental Considerations**
  - (includes ‘water quality’, ‘clean air’ & ‘natural areas’) ........... 20.2%
- **Private Property Rights** ................................................................. 19.6%
- **Neighborhood Property Values** ................................................. 18.2%
- **Economic Considerations**
  - (includes ‘jobs and income’ & ‘impact on the tax base’) ........ 15.6%
- **Local Ownership** ..................................................................... 14.8%
- **Cultural and Historical** ............................................................ 11.5%

The preference ranking surveys also provide information about preferences for general policy directions to use to support each of the above values. Detailed information concerning the preference ranking surveys is available on the Study’s Web site.

Because land use public issue forum participants were not randomly selected, the comments and the preference ranking surveys cannot be extrapolated to represent the opinions of the entire county population. But neither can such extrapolations be made from comments made at public hearings or even the results of elections. Like the comments made at public hearings and the results of elections, the information from the public issue forums is useful because it represents the opinions of those who are interested enough to participate.

Research Reports, Presentations and Other Documents

Numerous research reports and presentations were prepared during the course of the Study that can be useful in the formation of a master plan. These include:

- **Saline County Baseline 1998-2007** (research report)
- **The Role of Agriculture and Agricultural Processing in Saline County** (research report)
- **Availability and Assimilative Capacity of Land Suitable for Manure Application** (research report)
- **Crop Nutrient Assimilation Capacity** (research report)
- **Estimating Nutrient Production of Animal Feeding Operations** (research report)
- **The Animal Feeding Operation Data Layer** (research report)
- **The Impacts of Animal Feeding Operations on Rural Land Values** (research report)
- **The Economic Importance of Health Care in Saline County** (research report)

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10 The 20.2% ranking of Environmental Considerations is distributed among its three subcategories as follows: water quality—9.6%; clean air—7.3%; natural areas—3.4%. Due to rounding the three figures do not add up to 20.2%.

11 The 15.6% ranking of Economic Considerations is distributed among its two subcategories as follows: jobs and income—10.6%; impact on the tax base—5.0%.
We will also mention in this section the land use public issue forum booklet “Balancing Our Heritage with Our Horizons” as a valuable reference document. It contains information about the county that does not appear in other Study documents, and it served as the basis for the discussions at the public issue forums.

Although not specifically developed for the Saline County Study the Community Policy Analysis Center (CPAC) map library\(^{12}\) and the Office of Social and Economic Data Analysis (OSEDA) Saline County facts page\(^{13}\) (both available on the Internet) are valuable resources of information on Saline County.

Also, the Study has acquired copies of the planning and zoning documents of several area counties. While every county’s plan will be unique to that county, nevertheless all plans share certain key elements. These plans for nearby counties can thus be of use in helping form a basic framework upon which a more specific land use vision for Saline County can be tailored.

**Technology**

The steering committee of the Saline County Study has found the Internet and e-mail to be extremely useful tools for improving the effectiveness of public governmental bodies. Our Web site has allowed us to more closely approach the intent of our state’s Sunshine Law—which is to make government as open to the public as possible.\(^{14}\) With nine of the ten current steering committee members having e-mail accounts, communication between committee members has been greatly facilitated.

We urge the Saline County Commission (and any temporary planning commission that might be appointed) to make use of the Study’s Web site as a means of promoting more openness in government and to thus encourage more active citizen participation in local government. Our Web site is currently housed on the server of the Center for Agricultural, Resource and Environmental Systems (CARES)\(^{15}\) at the University of Missouri. CARES has committed to providing maintenance level support until July

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\(^{12}\) Located at http://www.cpac.missouri.edu/library/maps/ at the time this recommendation was being written.

\(^{13}\) Located at http://www.oseda.missouri.edu/cgi-bin/countypage?29195 at the time this recommendation was being written.

\(^{14}\) It should also be noted that section 610.029 of the Sunshine Law states: "A public governmental body is encouraged to make information available to useable electronic formats to the greatest extent feasible."

\(^{15}\) The URL of the Saline County Study Web site was http://www.cares.missouri.edu/salinecounty/ at the time this recommendation was being written.
2001. It is probable, but not certain, that such support will continue to be available until July 2002.

A unique and pioneering section of the Study’s Web site is the Mapping Tools section. This section contains a wealth of information that can be especially useful in the development of a land use vision for Saline County. For example: A planning commission could use the Mapping Tools section along with areas of the main CARES Web site\textsuperscript{16} to prepare custom maps and to then make such maps immediately available to the public via the Study’s Web site.

CARES is continually refining their Web site to make it more user friendly and to increase functionality. A major upgrade—based in part on what has been learned from the Saline County Study pilot project—is planned for mid-September.

CPAC has plans to support a Web-based method for describing scenarios. Such a scenario can then be run on a simulator program and the results compared to the baseline—all via the Internet. Although this capability will not be available for at least a year, scenarios can still be analyzed in a more conventional manner—as described in the next paragraph.

**Personnel**

With the availability of the Saline County Baseline report, CPAC staff can respond quickly and inexpensively to questions related to Saline County’s economy. If there are costs involved, CPAC can assist in identifying possible funding sources for such efforts.

University Outreach and Extension\textsuperscript{17} will be available to provide their usual technical/information assistance. Among other things this can include assistance with using mapping software (such as exists on the Study Web site) and a support role for the LIFE\textsuperscript{18} program—the members of which might also be a useful resource for the planning commission.

The memorandum of agreement signed on February 2 2000 between the Saline County Commission and University Outreach and Extension extended the Study to December 31 2000. A workplan attached to the agreement specified that the period from September 1 to December 31 would serve as a transition period. Some steering members may choose to retire following the presentation of this recommendation. Those who do not will be variously available to assist in familiarizing the Saline County Commission and the temporary planning commission in the use of the aforementioned resources.

\textsuperscript{16} The main CARES Web site was located at http://www.cares.missouri.edu/ at the time this recommendation was being written.

\textsuperscript{17} The University Outreach and Extension Web site was located at http://outreach.missouri.edu/ at the time this recommendation was being written; the local Saline County Outreach and Extension Center’s Web site was at http://outreach.missouri.edu/saline/.

\textsuperscript{18} LIFE stands for Leadership Initiative through Fellowship and Education. For more information regarding the LIFE program see the Saline County Study Web site.
This recommendation was approved by the citizen steering committee of the Saline County Study at their meeting on August 28 2000. The vote was 7 for and 0 against.

The following members were present at the meeting:
Becky Plattner    Richard Clemens    Kathy Borgman
Wayne McReynolds  Vince Buck       Mark Belwood
LeAnn Haling

The following members were absent:
Roy Hunter
Marc Harris
Ruthie Cramer

We the undersigned officers of the citizen steering committee of the Saline County Study certify that this is a true copy of the approved recommendation:

        J. Mark Belwood  Kathy Borgman
        Chair            Recorder

Date: August 30 2000