



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
210 East 5th Avenue
Milbank, SD 57252-2499
Phone: 605-432-7580
Fax: 605-432-7515

Minutes for the meeting of Grant County Planning and Zoning/Board of Adjustment.

Members present: Nancy Johnson Mike Mach Bob Spartz Richard Hansen Tom Adler Tom Pillatzki

Alternates present: Dave Kruger

Members absent: Gary Lindeman

Others present: Dillon Dwyer Kristi Mogen Geoff Street Ryan Kohl Daniel Scoblic Doreen Schultz Pete Mogen Don Weber Derek Nelson Karen Loeschke Josh Sime Cheyenne Sime Emily Mueller Kathy Tyler Mark Mueller Joelle Hicks Tim Tyler Bill Street Todd Lousbery Mark Lousbery Bart Johnson Kay Lousbery Blake Sime Dick Lousbery Brenda Sime Justin Sime Garry Harstad Patricia Meyer Vincent Meyer Alan Larsen Mark Wollschlager Randy Kruse Garrett Hennings Lois Welberg Kevin Schnaser Tim Wollschlager Keith Welberg Brian Sime Debb Sime Lucy Sime Wayne Meyer Clayton Whiting Alan Lousbery

Agenda for the meeting of Grant County Planning and Zoning/Board of Adjustment.

Meeting Date: Monday, April 10, 2017 **Meeting Time: 4:00 P.M.**

1. Call Meeting to Order at 4 pm by Chair Johnson
2. Acknowledgement of Grant County Board of Adjustment Procedural and Rules of Conduct
3. Approval of Minutes:
 - a. March 7, 2017 Motion to accept by Hansen second by Kruger carries 7-0.
 - b. March 13, 2017 Motion to accept by Pillatzki second by Mach carries 7-0.
4. Plat Approvals
5. Conditional Use/Variance Requests/Rezoning
 - a. Permit No. VAR03142017A, Marty Dummann, Applicant of 15296 458th Ave Summit SD 57266 in W1/4 of S1/2 Section 26, Township 120, Range 52 of the 5th Principal Meridian, Grant County, South Dakota. (Mazeppa Township) The request, if granted, would, allow the placement of a trailer home 70 ft and entry at 54 ft from 153rd St.
A discussion of the request with the landowners revealed they have yet to contact the township but would be doing that prior to placing the home on site. No other testimony for or against was presented. Motion to approve the permit by Hansen second by Mach carries 7-0.
 - b. Permit No. VAR03132017, David Schell, Owner of 14716 SD Hwy 15, Milbank SD 57252 in Dahle's Addn, Lot 2 Dahle's Addn except the W 75 ft in NW1/4 Section 36, Township 121, Range 48 of the 5th Principal Meridian, Grant County, South Dakota. (Melrose Township) The request, if granted, would, allow the placement of a garage within 20 ft of the lot line so it is not directly in front of house.
In discussion for variance a request to change the setback to the state highway was inquired of and would not be allowed because it had not been noticed that way for the state highway. Schell chose to move on as proposed. No other testimony was presented. Motion by Mach second by Adler carries 7-0.
 - c. Permit No. CUP03062017, Big Stone Pumpkin Patch, LLC by Mark & Emily Mueller, Owners for 48587 148th St Big Stone City SD 57216 for Lots 2 & 3 Freiwald Addition in Govt Lots 1,2,7&8 and Lot 1 Freiwald Addition in Govt Lots 1,2,7 &8 of Section 5, Township 120, Range 47 of the 5th Principal Meridian, Grant County, South Dakota. (Alban Township) The request, if granted, would, allow for Pumpkin Patch business events and property rental for events. Discussion began with Spartz asking about parking arrangements and Mueller stating an approach to a field has been installed to allow access to a large area. Adler inquires of the Muellers if this has been the site of the Pumpkin Patch

activities for several years and hears yes it has been and acknowledges that this is probably ok to do rentals with too. Testimony for and against was called 3 times with no one commenting.

- d. Conditional Use Permit No. CAFO03142017 by Ken Berg and Robert Drake, Berg Farms, LLC, Applicant of 2676 Edgewater Dr, Gary SD 57237, on the Barbara L Berg Rev Tr land located in Section 25 Township 118 Range 48 West of the 5th P.M., Grant County, South Dakota (Adams Township) Concentrated Animal Feeding Operation Application for a Class C Swine facility with 3000 head over 55 lbs and 5184 head under 55 lbs.

Mach made a motion to approve the application for Berg Farms with a second by Hansen and discussion was called by Chair Johnson to have the permit presented by the applicants. Luke Berg introduced the application and the partners Ken and Jared Berg and Bob Drake and stated they are proposing a 3000 head hog farrowing facility on Section 25 of Adams township. He then introduced Al Larson of Anez Consulting from Willmar MN to present the plan as submitted. Licensed in MN IA SD in business for over 25 years and is presenting a pull plug shallow pit facility with 10 inch walls and reinforced with rebar to withstand soil pressures of 110 pounds per foot. The NW end will be farrowing and development and has an 8 ft shallow pit with the gilt facility sectioned away from others. Weanlings are removed from site so the equivalent factor is .4. The manure management permit was submitted to SD and an acknowledgement of receipt and it will be available for public comment within the next couple weeks. He reports the township was notified by letter and Spartz asked if there was a contract for the care of the road. It was reported not at this time.

Johnson opened the board discussion with the applicant by asking what the main access would be and it was stated South onto 165th which is a township road. Adler asked if this is their first hog facility and Luke reported they had other systems all currently in MN where they custom feed and they have had a 15000 sow farrowing operation owned by Ken back in the 90's.

Johnson asked about the drawing provided and for descriptions of the discharge and pipes for each of these locations. The L-shaped building has a pull plug with a pipe on each side and the 2 foot pit discharges into a pit in the barn that runs SW to NE which has a 10 ft pit.

Anez points out the fly and odor management model is operational in several other locations and is part of this management plan. There will not be someone on site 24 hours but there will be 6-7 employees and 1 manager during the daytime hours. Compost barn is used Hansen inquired about trees to which Luke answered they always plant trees around their facilities.

Spartz asked about when mortality is taken to the compost and it was answered at the time of discovery and biomass is placed over it at that time. A carcass is opened and creates heat in the compost during a three day rotation monitored for temperature and moisture. If this is maintained correctly there is little odor detected.

Manure will be hauled and accounted on the acres a drag line or tankers could be used. Pillatzki asked if they had ever used biofilters. Johnson asked about the setbacks to other residences. They had not placed the map showing the ½ mile set back to their neighbors as their closest is over 4000 ft away.

Mach states biofilters won't take the stink away but will help and Larson stated they are normally not required on a farrowing facility because they are less concentrated and have lower nutrient concentration as you can see by the plan sheet. The gilts have a 425 day capacity and the nutrient is thinner than a finishing barn. Gestation receives a ration that is less concentrated as in their other barns in Minnesota.

Pillatzki asked if there would be monitoring wells around the site to ensure no water contamination. Larson stated the borings were done as required by the State permit with 2 at 50 ft and 2 at 25 ft and the forms show the water level at seasonal saturation but the walls are designed for this type of higher loading and there are no shallow aquifers in the area. Johnson pointed out there were no waterways in the area for diversion because they are on a ridge and the water has opportunity to drain away. Larson states they are finalizing the grading plan and will have plenty of ways for water to move away. Hansen questions if the barn will use biofilters and trees that are at least 4-5 feet tall with 8 rows to fight the smell and questioned the use of chemical in the feed. He states it is not in the ordinance but they can make it a condition of the permit even to use pit additives. Larson answered these comments by stating the pit additives are not as effective as the feed rationing they do and while the biofilters are a tool in the tool box they can appreciate they can also be a rats nest. Mach stated it may eliminate odor now but it may not be what is prescribed. Johnson points out this facility is ½ the size of the other facility in Grant County. Kruger points out the research for trees actually says it should be within 50 ft of the house of the closest neighbor and SDSU research studies have shown that does the most good.

Johnson asked if the nutrient management plan will include more land and Luke states there is not a need the 900 acres already accounted for the setbacks from right of way and lot lines, etc and soil tests have been done on those acres. Johnson stated the general permit requires a certain number of testing per quarter to be done annually and Larson noted a 5 year rotation.

Kruger asked about the contacting rural water and Berg states they have sent letters to both rural water and the township. Rural water is working on the estimates now and they will be exploring the need to dig a well and get water rights from South Dakota.

The hearing was opened with 5 minutes of speaking time for each person after they state their name. Rules of conduct were read aloud and the crowd was asked to direct their questions to the board. Those in favor were requested to present themselves to the board. This was called 3 times with no one appearing at 4:42 pm. Those opposed were asked to present testimony.

Mark Lounsbery passed out a handout to the board and noted section 504(2) which was the publication information as he stated the publication was published with the word expansion on March 29 and corrected on April 5. He asked the pending hearing to be postponed for proper notification. He stated it needed 4 more days and 2 notices of publication. The board proceeded with the discussion of the permit.

Doreen Schultz who was given an opportunity to sign in to speak to the board stated she was directly East of the proposed facility and would appreciate trees on the west side of her property when they apply manure because she doesn't want to smell it.

Kristi Mogen states this was not given proper notice as they were unable to get their experts here for the hearing. Their biofilter experts would be available by phone but they asked to postpone or table the permit. She has found health issues on line but they are not specific to errors and omissions. She went to NRCS to check the site and they say the ground is porous gravel and sane and the drainage goes directly to a blue line. There are no hydrology studies for weather and storm water. This is an inadequate map with a Kindergarten drawing. Biofilters were for the Minnesota experts who can come. The Kindergarten drawing is inadequate and unacceptable. You believe you have to approve a permit but you don't. You don't have to approve the permit if it is not in the public interest. She asks for no approval and the board should send it back and tell them to get it right. It is in the best interest of public health to not permit and not wreck another neighborhood.

Blake Sime questioned if one of them would be living on site, where the feed would come from, where the piglets would go, would they own the pigs from start to finish, are

bergs managing the hogs or if they would just be contractors. Brenda Sime asks if they would be expanding in the future and if so, how many?

Todd Lounsbury presented a handout and lives 1 mile West of the facility. He asked for biofilters that can be 95% effective and that they are inspected annually. Additives don't work but trees N,S,E and W atleast 6 ft tall would be good. He states grant County is new to CAFO's and asked the board to do a good job and slow down with the decision.

Ryan Kohl lives in Revillo and wants to know if there are things that can be done after it is built if the smell or odor become a problem such as planting trees closer to town or by the school which is in direct line of site.

Garrett Hennings lives 2 miles S and he is concerned about dead sows for the 3% mortality which is 90 each year. That is 3000 lbs/month to dispose of. If the dead are left lying around a few days it will be a problem for his pasture 1 mile away and he wonders how that will work for his cattle. If the management is not perfect how it is going to work he requests a refrigeration unit or freezer for storage on site.

Bart Johnson lives ¾ mile S of the site and he wants to know if they have talked to rural water and come up with plan B. How many wells, at what depth and gallons per minute would that be. Will it leave water for the residents to run their own farms? Runoff water is not addressed today because he didn't see it and that means nothing is addressed. The vehicles for sales feed workers, etc how will they maintain and will there be dust control. There are 2 family farms with little kids and safety is going to be a concern. There is a low tonnage bridge coming from 212 and they are now going to be tearing down these roads. 400 days of storage isn't enough in his opinion for manure because he knows a manure hauler that would not be there in that many days and sometimes he wouldn't get there. He is sometimes 60-90 days late and personally doesn't feel 400 days of storage is enough and requests a denial.

Vince Meyer has land ½ mile West and he wondered about the manure if they would flood or irrigate inject or haul and to where. There is a light bridge with a 7 ton road in Deuel County that won't work, East on the gravel will be tough on that road, a poor road that they just threw oil and tar at and it didn't stick. Monitor the applications for runoff the slope to the East is fast. When they put power lines in they found artesian wells.

Where will they detour if the road is out. Compost barn- how often would that be turned, what are the temps and moisture kept at, how often would it be turned and who's job would that be- they better hit it hard and back away fast because the smell will awful.

Brian Sime asks about the reputation and history of the Berg's, what do their neighbors say, what kind of neighbor are they, they had 1 permit denied and he wants to know why. Bart Johnson questions where they applied and were turned down in another county. Bill Street states this will not add much to Grant County- they will haul their feed in and their pigs out and what is Grant County left with. The other facility used a local elevator with low margins and they are unable to supply at that price. The local economy hasn't improved.

Those opposed were called 2 times.

Kathy Tyler spoke to section 504 and told the Board of Adjustment they don't have to approve the permit even if they apply and do everything that is asked of them because her attorney told her that. They could deny the permit approve the permit or approve the permit with conditions.

Kevin Schnaser live 2/3 mi North and he has not research the farm and he wants to give his time to the neighbors who had something more to say. Spartz pointed out there were rules that state they are unable to yield time to another.

Those opposed were called 3 times and the hearing was closed at 5:14pm

Kruger asked questions that were raised on behalf of the board to the permittees. Would you be willing to plant trees- Luke replied they always plant trees but they would look at planting them on the East ridge of the property as well. It was clarified that

someone would be living on site- just not a Berg, it would be Bob Drake's brother Bill. They try to stay local when operating with several Minnesota sites at local mills. 60000 hogs are produced each year with an average litter size for the 2500 sows and 10-12 piglets with 2 ½ litters each year. The permit in Edmunds was granted but they are not building there because there was an unrecorded US Fish and Wildlife easement. Everything had been approved but they cannot get around the easement. They have had no denials in Minnesota and they keep nice well-kept farms and do not upset the community. Berg's will manage the farm and Berg Farms, LLC owns them the Gary SD address is where Ken lives and the Clarkfield MN address is Luke's address both can be used to contact them. The building descriptions specification sheet state's Edmunds County because the same building was proposed there. The contract multipliers to a genetic company for the gilts to be taken. They don't expect to expand because of the biosecurity needs. The water and wells are being talked about as they rural water is computing the cost to get them water to the site and they may need to dig wells for water about 10,000 gallons each day. Johnson points out that would be a state water right application and it was acknowledged they are exploring the options they have available. Building runoff and grading plan must include storm water runoff and those site limits are not yet defined. Dairies are required to have detention or retention pond and a slow release to filter the water and to the East it would have to go quite a ways. The barn itself is not going to add to more flow but the runoff will be handled in a controlled release. The designated road access will be to the South on 165. Adler asks about manure application and the response is they will use tankers and tractors to the East and will have a haul road agreement to inject either with a drag or since it mostly their own section it will be tanked. The answer for the compost question is that 50-60% decomposed within a month because they are at 130 degrees for 3 days and are monitored with a biweekly turning and no flies because they can't survive that temperature. Mortality rate is 3% give or take. They will be adding 6-7 jobs for the community with a pay scale from \$10 to \$18 to \$20 for the manager. Mach asked if there would be test wells around the pit for onsite monitoring because of the granular layer that was pointed out by a citizen. Answer was the borings had not indicated sand at the site and the concrete is designed with water stops and steel rebar every 10 inches. They had indicated undisturbed clay that was completed in the maps and the pit would be in unweathered till as he does not allow for granular to be located under his engineered pits. If they discover a clay sand they will remove the sand and replace with clay. They indicated water at 13 feet and Kruger pointed out the borings date was a mistake with 2016 but the Engineer stated the borings were done in 2017. They custom feed for Christianson Farms but the Bergs own the hogs and sell the isoweans. There are 2 separate entities within this facility with sows farrowing and personally with a genetic company that Luke Jerrett and Ken currently doing business with in Minnesota.

Biofilter and new technology requirements were discussed along with the odor footprint tool that was using dimensions for the barn that were off but showing a 94% annoyance free at a mile. Biofilters were estimated to bring that down to feet. They are 4028 ft from other residences and would consider tree planting. Adler asked if he was familiar with the Wakefield Farms biofilters. Al stated that he was and the fans come from the phase 1 filters that already have biosecurity and ventilation structures on them this would be 4 in the gestation barn that are deep pit fans and some above the slats as well as the shallow pit fans that run only above the slats. A question was asked about the barn in Edmunds County and it was noted this barn is identical to the proposal from that area. They received their state and county permit but when they went to build there was an unrecorded US Fish & Wildlife that couldn't be lifted that will not allow them to build. There were 1200 acres necessary for that county because the yields are less and 900 for Grant County.

Mach pointed out there were issues with the hearing notice publication that were corrected but would like to see it advertised again and Spartz asked to have a road agreement drawn up. Kruger brought up the inaccuracies in the engineering book presented to the Board and if he was looking at making a hire with this information with one accurate interviewee and one with this many mistakes he would certainly not give a second chance to the one that made the mistakes and he didn't feel they should be hired to manage a barn if they can't get this initial information correct. The number of mistakes was deplorable and he wouldn't feel right about having them in the community. There isn't a map of setback of distance as he cited page 85 in ordinance and the boring dates were incorrect and how would they proceed if they were to require biofilters in conditions would they be able to uphold those requirements. Mach noted there were some deficiencies and these plans had been used before but that could actually be a good thing. Spartz stated the neighbors are not happy and he doesn't feel there was communication and the neighbors need to be informed and talked to because they are not happy to start with.

Attorney Healy asked to address the board on behalf of the Berg Farms and was not allowed to speak because the hearing was closed to public comment. Luke Berg requested the board to table the permit.

Kruger requested them to correct the information and pointed out the notice of hearing would be published again. Johnson requested follow up with the road haul agreement and documentation of the communications with water and township. Mach stated this could maybe bring growth to the county and continued with a motion to table to May 8 meeting to allow for corrections and everything to be worked out. He asked them not to run away but they wanted an opportunity to look at both sides of the issue. Todd Mark and Brian had good points of consideration. Adler seconded the motion and it passed 5-2 with Kruger and Pillatzki descending the vote to table.

6. New Business
7. Old Business
 - a. Adoption for Agribusiness ordinance April 25, 2017
8. Next meetings:
 - a. Regular meeting: May 8, 2017 at 4 PM
9. Adjournment Motion by Adler second by Pillatzki passes 7-0.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County