



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

Members present: Nancy Johnson Richard Hansen Mike Mach Tom Pillatzki Gary Lindeman Lorelei Brandt

Alternates present:

Members absent: Tom Adler

Others present: Gary Christianson, Val Cameron, Sheila Schulte, Steve Nelson, Dave Kruger, Wendy Grabow, Kathy Tyler, Sarah Capp

Meeting Date: Monday August 10, 2015

Meeting Time: 4:30 P.M.

1. Call Meeting to Order by Chair Johnson at 4:31 pm.
2. Reading of Grant County Board of Adjustment Procedural and Rules of Conduct
3. Approval of Minutes:
 - a. Monday, July 13, 2015 Motion by Brandt second by Lindeman carries 6-0.
4. Plat Approvals
 - a. Steven Nelson, Trustee of the Steven L. Nelson Revocable Trust and Steven L. Nelson, Co-Trustee of the Roger I. Nelson Revocable Trust, each owner having undivided ½ interest are requesting the plat of Lot 1 of Winquist First Addition located in the NE1/4 of Section 21, Township 119 North, Range 49 West of the 5th P.M., in the County of Grant, South Dakota. (Madison Township) Motion by Brandt second by Pillatzki carries 6-0.
 - b. Scott & Jeanine Lewno, owners, request the replat of Lots 2 & 3 of Zirbel subdivision, located in the SE1/4 of Section 33, Township 120 North, Range 51 West of the 5th P.M., Grant County, South Dakota. (Mazeppa Township) Motion by Hansen second by Mach carries 6-0.
 - c. Sheila A. Schulte, owner requests the plat of Lot 1 of Wilfred and Sheila Schulte Addition, located in Government Lot 3 of Section 2, Township 121 North, Range 49 West of the 5th P.M., Grant County, South Dakota (Kilborn Township) Motion by Mach second by Pillatzki carries 6-0.
5. New Business
 - a. Complaint upon the condition completion of Teton, LLC
 - i. Trees
 - ii. Biofilters
 - iii. Board decision

Investigation results and pictures were presented to the board in their packet. Krista presented the findings of the onsite investigation to the board that trees were installed in June and fabric was placed in July biofilters were placed on inhabited buildings and had been maintained with covers and additional material in the crates on the Phase 1 fans around the barn. Pictures had been submitted at the July meeting from a prior investigation to ensure completion of the conditions.

The complaint dated July 14, 2015 prompted another investigation of the facility to document all conditions are being met by Teton, LLC. Krista offered additional pictures of the facility and the reporting done by Dr Erin Cortus. Cortus does the ongoing monitoring of the biofilters at the facility and the concerns raised in the complaint happened to be part of the prescribed recommendations of her report dated June 3, 2015.

Kathy Tyler brought up her concerns that the base was not sealed to the cement and allowed the air to escape and commented they needed to be airtight from the fans to the biofilter so it didn't let air escape without being treated. She also acknowledge that it was her opinion that the wood chips needed to be topped off and the moisture system and she had not seen these things being done.

The board discussion led to the directives to the P&Z Officer to acquire a copy of the audit and maintenance schedule as well as making an additional visual inspection on site to see the filtration was air tight and installed properly with moisture incorporated.

- b. Complaint upon Lakeside Dairy alleged to be a significant contribution of pollution.
 - i. Presentation of historical and ongoing water sampling reports by EDWDD

- ii. On site review of dairy facility
- iii. Board decision

Investigation results and pictures were presented to the board for the water sampling tour done with EDWDD as well as the onsite tour with the Manager, Rick Hesser. The EDWDD submitted a letter of documentation from their historical records of water testing both upstream and downstream of the new Lakeside Dairy with no significant changes showing in the data. It is recommended to pass along the information to the DENR from the investigation to have them carry forward the complaint from the county level to their trained experts. It would also be for the DENR to define what a significant contribution to pollution is. And the final piece of the investigation done by the P&Z officer reports the DNA testing done to determine the type of ecoli that may be on the site as there is no evidence of animals or fecal matter on the site. They are working with the Engineering firm to add some more cement and stem walls to incorporate more safeguarding of DENR approved plans.

Jay Gilbertson was called upon to present the information as presented to the Zoning Officer in a letter of documentation of the data. Jay gave a brief history of the once every other week testing in addition to the state's once a month routine. Since the concerns over dairy development in the panhandle of Grant County have been brought up they have added more sites and he reports the dairies have given no measurable impact to their results. You may have a high hit now and then and measure something but that has had nothing to do with the dairies such as Bronson's and he does not see the river having the impacts. He stated this complaint is under the guides of DENR coverage and they should define, "significant contributor to pollution" He acknowledged there may be something going wrong at this site but in the big picture it is not getting to the river as he sees no normal departures through the water testing.

Gary Lindeman asked if the EDWDD was measuring ground water as opposed to surface water and how that differs. Jay explained the groundwater is filtered so much by the time it gets there that there are no changes seen. At this time surface water is flowing but it would not be uncommon to see the low flow or no flow deteriorate the water quality. But they are not seeing that at this time either.

Motion was made by Brandt and seconded by Lindeman to write a letter to DENR that will include the items presented to the board and to request them to incorporate the investigation of the Grant County complaint into their investigation as a matter of the water of the state being under their jurisdiction. Motion carried 6-0.

Val Cameron added they had driven to the site after a significant rainfall event and saw very little water in the ditch. She cautioned the board not to shoot them down yet because she saw a very pristine and clean facility that may have issues of the avian variety.

Mark Leddy also commented on behalf of Valley Queen that the stock cows in the crick on a sidehill on another farm may cause more contamination than the dairy. Their company has made 30 samples at the site with 4 samples taken during rain events on the 23rd and the 6th. Their results show no ecoli and they were not able to replicate the results as presented by Mr Foote. He reports the nitrate levels were low and well below the state's allowed numbers.

6. Conditional Use/Variance Requests/Rezoning
7. Old Business
8. Unfinished Business
 - a. Ordinance Review: 1st District- Todd Kays
 - i. Meeting March 12, 2015 5:30 pm.
 - ii. Meeting April 1, 2015 5:00 pm.
 - iii. Meeting April 22, 2015 5:00 pm.
 - iv. Meeting May 27, 2015 5:00 pm.
 - v. Meeting June 17, 2015 5:00 pm.
 - vi. Meeting July 20, 2015 5:00 pm.
 - vii. Meeting August 31, 2015 5:00 pm.
 - viii. Action items
9. Next meetings:
 - a. Regular meeting: Monday, September 14, 2015 4:30 pm
 - b. Noting the October meeting will move to Tuesday due to the holiday Monday.
 - c. Study Group Meeting August 31, 2015 5:00 pm
10. Adjournment Motion by Lindeman second by Brandt carries 6-0.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County