



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

**Members present:** Nancy Johnson Richard Hansen Tom Adler Lorelei Brandt Mike Mach Tom Pillatzki

**Alternates present:** Dave Kruger

**Members absent:** Gary Lindeman

**Others present:** Karen Loeschke Douglas Wittnebel Tim Tyler Kari Hopkins Jim DeVaal Jody Kuper Jason Mischel Wendy Grabow Keith Welberg Lois Welberg Janet Rickard Deverne Rickard Edward Brennan Tyrone Nordquist Gene Rickard Diane Pike Richard Pike Mike Strobl Gerry Adolph Gene Mann Kenny Wiese Jim Farrell Duane Hay Dale Weinkauff Kayla Prasek James Pike Jay Gilbertson Steve Wenzl Steve Kane Vince Meyer Pat Meyer Terry Lee Steph Schulenecht Joeline Hicks Kristi Mogen Mike Adolph Nicholas Adolph Kate Capp Lisa Bucklin John Loeschke Don Carlson Mary Carlson Ann Loeschke Roger Loeschke Kathleen Kilsdonk Bobbie Bohlen Roger Steuck Deb Hemmer Ray Beutler Joan Durand Denise Scoblic Holly Hilbrands Kim Dumann Scott Currence Clayton Whiting Frank Redlin Tom Wollschlager Scott Kneeland Clayton Tucholke Niki Rickard Dave Durand Ryan Hopkins Scott Hoeke Roger Foote Bob Capp Tim Zempel John West Dan Sorenson Roger McCulloch Rollin Morehouse

Meeting Date: **Monday, March 9, 2015**

**Meeting Time: 4:30 P.M.**

1. Call Meeting to Order by Chairperson Nancy Johnson at 4:30 pm.
  - a. A correction was made to the agenda to 5a to reflect section 31 as it was published.
2. Approval of Minutes: Monday, February 9, 2015
  - a. A correction was made to 6.a. at this time Brandt recused herself from the proceedings to be replaced by alternate Val Cameron because of family relationship within Pipestone System.
  - b. Motion by Mach to approve the amended minutes second by Adler carries 7-0.
3. Plat Approvals
  - a. Lyle Kruger, owner, requests the vacation of a portion of Lot 1 on the plat of Lots 1 & 2, Lyle Kruger Subdivision, located in Government Lots 3 & 4 and the S1/2NW1/4 and will replat to Lot 4, Lyle Kruger Subdivision, located in Government Lots 3 & 4 and the S1/2 NW1/4 of Section 2, Township 119 North, Range 49 West of the 5<sup>th</sup>. P.M., Grant County South Dakota. (Madison Township) Motion by Hansen second by Brandt carries 7-0.
  - b. David S. and Ruth L. Gulck, request the vacation of Lot 2 on the plat of Lots 1&2 Gulck's Second Addition in the county of Grant, located in the SE ¼ and in the NE1/4 of Section 11, Township 120 North, Range 49 West of the 5<sup>th</sup>. P.M., Grant County South Dakota to become Lots 4&5, Gulck's Second Addition, located in the NE1/4. (Grant Center Township) Motion by Mach second by Pillatzki carries 7-0.
  - c. Delbert Brede and Deloris Brede, owners, request the plat of Lots 1&2, Delbert Brede Addition, located in the SW1/4 of Section 36, township 121 North, Range 47 West of the 5<sup>th</sup> P.M., Grant County, South Dakota. (Big Stone Township) Motion by Adler second by Mach carries 7-0.
4. New Business
  - a. Setbacks for CAFO's – Vince Meyer

Meyer approached the microphone and gave his time to Kenny Wiese. Wiese approached the microphone and stated his name and affiliation as the past chairman of the Grant County Concerned Citizens and that he is a present board member of the Concerned Citizens and speak on their behalf.

Wiese handed out information to the P&Z Board and commented that he is happy with the current ordinance look and highlighted they wanted them to look into setbacks. He feels there have been some ongoing problems and in a sense apologize for all the problems caused but in another sense it brought on the urgency of having something done with the ordinance.

We had a meeting a month ago on what we would like to see for the setbacks on there. Look at the handout. Class C-D-E we've decided to leave them exactly where they are same at 2640 feet. So that allows people up to 999 animals basically to stay right where they are today. We did not attempt to change anything

that will hamper or hold back of the family farm operations or anything like that. As you go to Class C that is 1999 animal use we would move that to ¾ mile or 3960 ft. And that is in Roberts County- right straight across the board. The Controversial one, Class A, The way it was written and is in the ordinance today 2000 animals or more. We recommend 2000-2999 change. Above 3000 Animal Units and we feel this is more into the commercial stage where neighbors and the people will definitely notice and it creates a change in their community a change in their lifestyle and roads. Those are the things that have been addressed in the past. Today A setbacks is 2000 or more and that's all it says. That could mean a Class A dairy could be 2000 animals or 200,000 animals. It used to a nonissue because it just didn't happen and nowadays we are seeing they are approaching that up in Marshall County in Veblen, South Dakota Dairy has 19300 animals under 1 ownership so things have definitely changed from what it used to be.

With that in mind, hope for a graduated setback which would incorporate 500 feet for additional 1000 animals up to 2999. As you go down then like I've got a couple of examples in there given for what it would do to the Kilborn Dairy that's the one proposal for Fehr Dairy seven years ago. That was 10720 animal units and underneath it figures out to make 7960 feet would be 1 ½ miles. Really an operation of that magnitude, that's huge. So then on to the next example, Pipestone System that is the one in Big Stone and the one that was proposed in Vernon over here. On the right over there is what was in the Grant County Paper 3673 animal units so I used that at the time but by my equation it is around 3400 animal units. Either way it is over 3000 animal units so you would have to have the ¾ mile and the additional 500 feet for a total of 4460 ft. This is roughly what we put together and we had hoped to introduce to the board. Are there questions. This would simplify the ordinance. Page 1 shows examples in laymen's terms and page 2 shows how it would show in the ordinance.

We have been criticized for going right to the 1 ½ mile setback and they say this will completely eliminate any CAFO's in Grant County. That is not true at all, if all these people have the option or the ability to sign off if they want to. An example that we've been given is, what's happening in Milbank here. Valley Queen basically has been able to do most anything they want. They negotiated and worked with the people and bought out houses, bought businesses and done whatever they had to so they can accomplish what they need as a business in that area and in operating area. This is the type of thing that can and should happen and do that for the rural area too.

First job is to be good neighbors to go out and see the people within the setback area and say 'what do we gotta do to make this work- I would love to build a dairy or a hog barn in this area and love to do it right here what, you are within the setback and you were there first, what do we got to do to make this work. And that is the kind of neighborly thing we want in the rural areas. There is an, I gotcha with the 2640 setback they don't ask and if you don't like it tough-that is the response we are getting today. Best knowledge this would just force these people to come and be good neighbors.

Questions: Mach states looks good here do you know are there other counties in South Dakota with this type of graduated setback? In 2008, we did a petition drive and we asked for this similar to the same thing. Edmunds county had that graduated setback. I don't know if it is still in effect today, I can't answer that says Wiese. It addresses the issue of the uncapped limit of animals and they are happy that will be looked at on Thursday night. Wanted to give time for you to think about it. Johnson states that she appreciates the presenting of that and they would take it under consideration.

Publicly heard information is being requested a week in advance to the meetings for the study group to move through that process for the consideration of the P&Z Board review.

#### 5. Conditional Use/Variance Requests/Rezoning

- a. Conditional Use Permit No. CAFO01262015A by Dustin Nelson, Applicant, and Allen Amdahl, Owner, of NW1/4 FRL except Road of Section 31, Township 121, Range 51, Grant County, South Dakota. (Farmington Township) new Concentrated Animal Feeding Operation Application for a Class A Dairy.

Atyeo-Gortmaker explained we would not be hearing the CAFO permit this evening because of some recent developments and that State's Attorney Mark Reedstrom would guide them through why that is.

Reedstrom spoke from the jury box with a wireless microphone to explain there is an appeal to stay the proceedings so the hearing cannot take place today. The appeals were received March 6 and site Article 5 Section 502 and are a challenge and allegation upon Krista Atyeo-Gortmaker to be in violation of moratorium which suspended the issuance and acceptance of permits.

Reedstrom explained there will not be a hearing because of the appeal filed which stayed the proceedings is resolved. The procedure will be to handle this in an expedient manner to decide the merits of the appeal first and the Board of Adjustment will hear on March 23<sup>rd</sup> the parties to the appeal based upon arguments and facts of the case to get their perspective for decision. It will be a public hearing of appeal for the facts to be received from

the parties who are part of the appeal. The board will hear the appeal make a determination and a findings of fact to allow publication to the CAFO again and address it at a subsequent meeting.

- b. Permit No. VAR02102015 by Tellus Waddell, applicant of S1/2 SE1/4 of Section 10, Township 121, Range 50 of the 5<sup>th</sup> Principal Meridian, Grant County, South Dakota. (Osceola Township)  
The request, if granted, would, allow the Owner to reduce the setback to a private well to less than 2640 feet.
  - i. Applicant wishes to have the request withdrawn.
  - ii. Motion to accept the request to withdraw the application. Mach began to make a motion Brandt made the motion to accept the withdrawal of the variance application and it was seconded by Kruger carries 7-0.
6. Old Business
7. Unfinished Business
  - a. Rolling Green Farms RE, LLC Findings of Fact were signed and filed as of February 17, 2015.
  - b. Ordinance Review: 1<sup>st</sup> District- Todd Kays
    - i. Meeting March 12, 2015 5:30 pm.
    - ii. Action itemsJohnson asked if a site analysis survey that was developed in 2012 for Grant County Economic Development could be obtained by the P&Z members.
8. Next meeting: Monday, April 13, 2015
9. Adjournment Motion by Mach and second by Brandt carries 7-0.

Krista Atyeo-Gortmaker  
Planning and Zoning Officer  
Grant County