



# GRANT COUNTY SOUTH DAKOTA

PLANNING AND ZONING OFFICE

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

**Members present:** Richard Hansen, Dave Forrette, Lorelei Brandt, Nancy Johnson, Tom Adler, Geoff Street

**Members attending by Telephone:** Gary Lindeman

**Members absent:**

**Others Present:** Joe Hadley, Sam McDonald, Bonae Folk, Wayne Folk, Joel Brandt, Bert Loehrer, Brian Trapp, Sandra Fonder, Larry Trapp, Karen McCrea, Joan Durand, Mark McCulloch, Tom Henrich, Gavin Angerhofer, Shelly Klemm, Joyce M Hermans, Michael De Bough, Kayla Zanter, Robin Hoffman, Jake Meindeos, Nick Saylor, Bob Thaler, Dwight Mogler, Barry Kerkaert, Abby Tschakert, Clayton Tucholke, Roy Larson, Milt Stengel, Linda Simmons, Dale Tuchscherer, Laron Krause, Daniel Bogenreif, Rudy Nef, Michelle Buchele, Gene Boerger, Mark Schuler, Lance Bien, Bobbie Bohlin, Tim Anderson, Dave Stedman, Jerry Bury, Shelley Wellberg, Craig Wellberg, Tom Goetz, Gary Fredrichsen, Holly Hillbrands, Brandon Trapp, Dave Durand, Mark Leddy, Joe Henrich, Rodney Thaden, Floyd Hermans, Dick Berens, Jason Mischel, Brenda Dahle, Collis Dahle, James Benn, Michael Dailey, John Fonder, Von McCrea, Orgene McCrea, Dick Reints, Kent Frerichs, Kiley Kaufman, Holly Ramberg, Todd Louwagie, Shawn Jensen, Jon Wimmer, Sean Sinpar, Shelby Aulner, Alex Hobertz, Marty Rost, Daniel Tyler, Carol Tyler, Dan Loehrer, Todd Kays, John Loehrer, Karen Brakke, Helaine Fonder, Mike Nordquist, Jim Koosmann, Bill Street, Sandra Appelen, Jay Gilbertson, Todd Cloos, Richard Domagala, David Van Hooser, Milbourne K McCrea, Tim Rabe, Ken Fryer, Melanie Dummann, Holli Seehafer, Charles Rossow, Robert Capp, Greg Streich, Eugene M Schmieg, Mike Schwandt, Matthew Fonder, Bill Fonder, Dennis Schmig, Sylvester Kaiser, Walt Bones, Paul Kostboth, David Skaggs, Tyrone Nordquist, Patty Nordquist, Bradley J Hohn, Thomas Smith, Edward Folk, Ann Lippens, Shirley Wiese, Stephen Fonder, Ray Wollschlager, Kenny Wiese, Dan Scoblic, Thelma Wollschlager, Paulette Hay, Duane Hay, Andrew Langel, Andy Hansen, Tara Salentiny, Kalen Mantlei, Chad Swier, Ashley Beer, Vohn Salentiny, Sheila Price, Bill Randall, Joeline Hicks, Charles Moeller, Brad Greenway, Ryan Storm, Glen Folk, Kate Capp, LeRoy Capp, Kathy Tyler, Mitch Peterson, Todd Van Maanen, Kyle Walker, Michael Ruba, Serena Recken, Renae Johnson, Paul Prunty, Jesse VanderPlaats, Josh Gradert, Carrie Lockhurst, Colbe Olson, Jacob Boom, Lucas Thomson, Terry O'Keefe, Luke Minion, Mike Strobl, Myron Roggenbuck, Helen Heller, Donald Heller, Jerry Zubke, John Lundin, Mr & Mrs Robert Steltz, John Appelen, Paul Brandt, Paul Dummann, Jackie Prasnicky, Randy Prasnicky, Dave Paulson, Robert Goerge, Twila Mursu, Sam Jensen, Aaron Bruns, Taylor Vanderwerf, Stefanie Brunkhorst, Jordan Rolling, Seth Lamers, Michelle VanWyk, Bethany Halverson, Jacalyn Seas, Amos Wipf, Wallie Langholz, Jason Kettwig, Rick Fonder, Tim Tyler, Jim DeVaal, Myrtle Lundin, Steve Scoblic, Paul Fonder, Doug Sunne, Deb Hemmer, Ann Tuchscherer, Leon Schliesman, Alan Schliesman, Chris Zubke, Gene Mann, Thomas Fonder, Jim Christian, Lynette Pillatzki, Richard Pillatzki, John Gill, Mark Reedstrom

Meeting Date: **Monday, January 14, 2013** **Meeting Time: 4:30 P.M.**

1. Call Meeting to Order
2. Approval of Minutes:
  - a. December 3, 2012 Motion to approve by Brandt second by Adler carries 7-0
3. Plat Approvals
  - a. Leonard A. and Nancy M. Nelson, owners of Lot 1, Leonard Nelson Subdivision, located in the SE1/4 of Section 29, Township 119 North, Range 49 West of the 5<sup>th</sup> P.M., Grant County, South Dakota. (MadisonTownship) Motion by Hansen second by Street. Carried 7-0
  - b. Marty J. Christian, owner of Lots 1,2,3 and 4, Christian Subdivision, located in Government Lots 1 & 2 in Section 30, Township 120 North, Range 48 West of the 5<sup>th</sup> P.M., Grant County, South Dakota. (West AlbanTownship) Motion by Adler second by Brandt carried 7-0.
  - c. Jay & Karen Brakke and Mary Rethke, owners of Lots 4,5,6, R & J Farms Subdivision, located in Government Lots 1,7, and 8, of Section 15, Township 121 North, Range 48 West of the 5<sup>th</sup> P.M., Grant County, South Dakota. (MelroseTownship) Motion by Hansen second by Forrette carried 7-0.
4. Conditional Use/Variance Requests/Rezoning
  - a. Conditional Use Permit No. CAFO12182012 by Teton, LLC, Applicant, of SW1/4 of Section 16, Township 121, Range 47, Grant County, South Dakota. (Big Stone Township) To consider a new Concentrated Animal Feeding Operation Application for a Class A Farrowing barn consisting of maximum of 1200 swine under 55 lbs and 6,616 swine over 55 lbs.

- i. Odor footprint tool for 94% with bio-filter
- ii. Odor footprint tool for 94% with no odor controls
- iii. Replacement setback map-showing labels for distances from animal housing buildings.
- iv. Written comments received in the P&Z Office as of 1-8-2013 when agenda was prepared
  1. Public Opinion Article
  2. Book excerpt

P&Z member- Lori Brandt, recused herself from the board for this agenda item as she stated she has a personal conflict because her daughter works for Pipestone Systems. Doug Stengel. Commissioner of her area will be seated in her place for this agenda item.

Krista Atyeo-Gortmaker presented the permit for consideration and stated the permit met all the standards of the Grant County Zoning Regulations and was filed through her office on December 18<sup>th</sup>, 2012 at approximately 10:20 a.m.

Johnson called Teton, LLC to present their proposed CAFO facility for the Board.

Barry Kaerkart, Vet with Pipestone Systems which manages the swine facilities for independent farmers. Thank you to Economic Development for finding the site and inviting CAFO to do business. Believe the operation meets regulations permit.

Todd Van Maanen-Engineer, is in the role to assist Teton in assembly of permit for county, DENR and quality control of project and presented the narrative of the permit for the P&Z Board.

Adler- When is the application of manure? fall when crop is out may do some in spring. A commercial applicator will be do it quickly and up to par not spread out over time. Will Teton own/ lease property? owned by Teton, LLC to meet 80 acre minimum.

Lindeman asked about a bio-filter and if they currently have anything like that. Luke Minion- They have a gdu per Nicolai's design wood chip screens outside fans. If the neighborhood wants that –they are willing to look at it. Bio-Filter would need to be specific and measurable and total defined.

The hearing was opened to public comment at this time with those opposed receiving 5 minutes for their individual presentation:

Kathy Tyler-Handouts and discussion- were handed out by Dan Scoblic to each member with office copies being received by Krista. Points made for: Plat map showing manure easement acres, comparative spreadsheet for easement acres compared to NRCS data, Map and specific site data for collected acres, Lyon county data and Manure application over tile articles were handed out. A personal well within the setback distance and Iowa population decline information and application of manure over tiled ground were points made in discussion.

Questions:

Johnson- Why is the well not on a report? Noted the SD data was not current with Nov/Dec data.

Forrette- Iowa population changes- Grant County census shows that we have lost more people here without the CAFO effects. Insinuation that the 500 facilities have not improved Lyon County but the number of CAFO's in Grant County has not changed and we still see the population decline.

Kate Capp-Family lives N just out of distance of setback. Her discussion not based on physical proximity but initial short term economic development benefits of hog confinements was basis of research. Smaller owner operated systems spend more money because no one is on site with these large facilities. Opposed because benefits are not there for the county.

John Lundin-Everyone in family quit eating pork and stopped eating unclean animals and they are healthy. Internet's USDA webpage shows swine influenza surveillance map that we should be concerned about and hogs don't get to their destination in good condition. The benefit of hog confinement will not outweigh losses for Grant County.

Milt Stengel-Melrose/Big Stone Twp met and decided not to upgrade road from minimum standard or allow anyone else to upgrade the road either. May not allow pipeline in ditches and the townships have the latitude to do

that. Their township lawyer told them that landowners may have some say if they allow the pipes to run along their property. Personally, Milt feels the tile line and manure application should be addressed.

Charlie Moeller- Citizens of Big Stone Lake –300 members around the lake have no support from other entities for their organization but they encourage and promote Big Stone Lake by working together for water pollution. Should also include studies for the clean water act, 1 mile buffer zone to Whetstone river, establishing a stream monitoring system and not apply manure over tiled land.

Rick Fonder- organic dairy farmer in Grant County and in September he attended workshop in Wisconsin. 2 handouts were given noting the long term monitoring of ag chemical and crop nutrient interactions and the Long term toxicity of a Roundup herbicide and a roundup tolerant genetically modified maize.

Johnson recognized and called to speak-Walt Bones, SD Secretary of Ag: Framework and guidelines by DENR for County Commissioners to follow for meeting the criteria. Soil samples initially are taken and analysis of nutrient and cropping plan showing primarily corn as crop with application by professional applicators as they are applying. Ag is changing and the processes have changed: If nothing had changed since 1951-9 of the largest states would not have food or 1/3of our nation's people would not have food. Livestock is a big part of the nation's diet. SDSU's Thaler students- recognized for wanting to learn about the process.

Hearing opened up to those In favor of the CAFO for 5 minute presentations:

Ryan Storm- Davison County Pork producer got involved about 15 yrs ago- involved in Pipestone – not that long ago at SDSU figuring out how to go back to the farm and sustain a family. Crop land out of price range- similar to this he built his own barn and sustained his family and then found the support of Pipestone Systems.

Linda Simmons- Live in Grant County and this is a room full of very decent people. Sorry to see that debate elicits so much anger but it is not a give/take. The P&Z doesn't have the authority of State rules only have County rules but the county could get sued for not approving permits that meet regulations. Sat at table by herself for the study group and no one in opposition came. Participate! This is your COUNTY- we geographically live here- we are together. If you don't think odor management/ordinance are that great- participate at development level for county and state to get these things changed. Big Stone Lake project was first project she worked on in Grant County and the clay is true- best situation you can find. Advice from Linda was: today while you have reputable company and good county leaders- take advantage of it and tomorrow- work on SDCL's EPA restrictions: odor footprint from SDSU; DENR regulations- property values lower at 156 head. There are ways to change these things use them.

Brad Greenway- Ryan Storm in Davison County: 7 years in system- diversified; dad in homestead- looking for site on another farm. Get involved with Pipestone Systems was a great thing for their operation. A Picture of their site was put on the screen. They are proud of the site and they have 14 people involved in bluestem. Great to see young people back on the farm and the only ones that are back are those that are in this system. Manure goes on their own land with crops doing better than before. They are not allowed to just get rid of manure so they are doing a better job. Site looks like this today- they will do right for your area.

Dwight Mogaard- Lyon County Iowa says fear is the biggest thing they deal with. According to scripture- we don't want to be among the fearful. At Christmas his own daughter changed major from nursing at Augustana to swine production at SDSU. His family has 17 children that they are looking to allow back to the farm these are bright kids with livestock. Pipestone system brings back children to farm- \$12000 acre land into Wall Street but choose to keep kids home for mainstreet. This is a great opportunity today to bring a good company to town.

Paul Brandt- CL pork producer that has friends involved with Pipestone Systems, they have sound engineering. Manure is contained under the building with no amount of runoff from manure storage. There should be no worry for runoff/ rainstorm and when manure is applied it is done correctly. He is on the Zoning Board in Deuel county and Grant County's plan is similar to Deuel- 5/6 pages that County has regulated prior to hearing. Grant County voted on that plan/comprehensive plans in Ag zones and the P&Z is charged with seeing they do those things right. Setback is the easiest ways to disperse odor and runoff environmentally.

Jerry Zubke-lives 4 miles from proposed site- son and grandson- would like to see this approved so they can keep family farming. He would like to build an iso-wean barn, his neighbor will haul feed to the site and they are discussing getting into the feed mill business as well. That is economic development that will stay here.

Brad Holm- MDF- Parkston These buildings are not built for short term lives and they have had no concern for contamination for 23 years. More has been done for application of manure the borings/cement work etc to not have been placed in areas of concerned. No short sited investment. In the end it is about doing it right: Pipestone Systems have knowledge to do things properly for community and property

Mark Leddy lives in Melrose Twp- 4 mi East of him. More used to dairy operations- letting go of property for hogs instead of cows is too bad. 1998/9 MDI hearing which ended up NE of town is still dairying and is a good neighbor. Applying manure over tile is raising concerns but the application of commercial fertilizer doesn't raise concern. Are there legitimate differences in these applications or types? Currently there are only 2 hog operators in Grant County this facility could be a good part of what we do in Grant County.

At this time the hearing was closed to public comment and the presentation was concluded with P&Z Officer presentation of the final agenda items that were included and no other written comments were received in the office.

The meeting was opened up to discussion and questions from the board.

Luke Minion-answered the question about the well issue across the road being done entirely to frustrate application. He stood in front of this group in 2006 and was denied. They came back because they were invited and have a site that meets all the requirements and have followed all the requirements that were set forth by ordinance.

Todd Van Maanen addressed the question about nutrient management plan and since application time it is more like 3500 acres at DENR. The state sees each field and monitors that data but they ensure more than enough to meet requirements of Grant County. He also noted he made some calls about when a hole in the ground is considered a well? The answer he received was when it is grouted and the casing is developed and installed and the stem is down in the well. At the time they were submitting the application it met none of the conditions for state well.

Mike Nordquist- buildings/concrete in SD and MN The concrete pouring plan is detailed and samples are taken often with an engineer on site. It is a solid process that is developed.

Dave Forrette- Biofilters- Stengel/Lindeman- definition of what that would be.

Forrette stated this project fits in scope of ordinance and economic develop shows the bottom line of 1 sow = \$6500 in county. At 3% this equals 3-8 million dollars for the county and with the possibility of adding other barns in county. Grant County is open for business and the not in my back yard attitude does not fly. Let the responsible operators in and expand. Odor issue is on the other end- bio filters are 1 thing they can add too.

Luke Minion-Biofilters will be workable with you for the Phase 1 fans that run all the time as long as it is defined with Nicolai's help and other 3<sup>rd</sup> party experts on phase 1 fans to be good neighbors BUT- make that reasonable. Ag is changing and biofilters are hard to define. They have one on the Jackrabbit project in Davison

Tom Adler-asked how many homes are in the area of the facilities

Clark facility- a number was given but not recorded

Greenway- 5 within 1 mile 12 within 2 ½ 1 within 1 more being built within mile- moved in 3 months ago

Doug Stengel- addressed some people issues- Marc Lippen- concerned about facility that might expand- will he be allowed to? Forrette answers the concern of land available with the First District information shows a random spot with 3 mile circle- manure management 18000 acres- 60% of that useable is 10000 acres they have 3500 signed up. At 4 miles= acres, etc and should not cause a problem for everyone to find the acres to expand and manage waste.

Stengel- Making decision on best available technology- is this best or are there people on each side- that could provide us with more information?

Adler- If pigs didn't smell and pork chops grew on trees we wouldn't be here. But those in opposition- what would be necessary to allow the facility in your neighborhood? Tyler brought around the points she had made earlier that they would like to have better addressed and traffic on the roads.

Luke Minion-Gave the traffic details- 2xweek weaned pigs out; culled animals 1xweek; 1x week feed by design and employees to/from facility. Cull sows- butchered- cull market is the cycle. Antibiotics are used judiciously under oath of vet for the best control possible.

Jerry Zubke spoke out about the township meeting that was supposedly held. It was his opinion that meeting was not handle in proper order and that it was not an open meeting because he was not given notice of the event. Johnson called for a motion

Johnson called for a motion

Dave Forrette made a motion to approve the permit as presented, and it was cited for meeting all the regulations of the Grant County Zoning Ordinance for TETON, LLC but also requires the following conditions:

1. To engage in discussion to design, install and maintain the most effective bio-filter for the Phase 1 fans at the facility.
2. Trees will be planted on the site as designed by the Conservation or NRCS specifications according to the most effective practices.

Roll Call Vote: A vote of Yes would be in approval of the permit:

Tom Adler- Yes

Richard Hansen- Yes

David Forrette- Yes

Doug Stengel- Yes

Geoffrey Street- No

Nancy Johnson- Yes

Gary Lindeman- Yes

5. Old Business

- a. Study group recommendations
- b. Economic Development/First District of Local Governments presentation of CAFO study on **December 18, 2012 at 8:30 a.m.**

6. New Business

- a. Organizational meeting
  - i. Chair position Motion by Forrette and seconded by Brandt to nominate Johnson chair of the P&Z Board with a second by Lindeman. Brandt made a motion to nominations cease and it was seconded by Hansen and vote was cast 7-0 in favor of Johnson, Chair.
  - ii. Vice-Chair position Motion by Johnson second by Brandt to cast unanimous ballot for Forrette as Vice-chair. All voted in favor.
- b. W-4 completion

7. Next meeting: **Monday-February 11, 2013**

8. Adjournment Motion by Forrette second by Hansen passed 7-0.

Krista Atyeo-Gortmaker  
Planning and Zoning Officer  
Grant County