



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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**Minutes from the meeting of Grant County Board of Adjustments
November 14th, 2022**

Planning Commission members present: Mark Leddy, Nancy Johnson, Mike Mach, Tom Pillatzki, and Jim Berg, John Seffrood, Richard Hansen

Alternate(s) present: Don Weber, Jeff McCulloch

Planning Commission board members absent: none

Others present: Jayson McQuire, Corey Dozhier, Kevin Souza, Evan Grong, Doug Wilke, Kevin Kouba, Bill Tostenson (Grant County Commissioner, Todd Kays (First District by teleconference), and Steve Berkner (Grant County Planning Commission Administrator)

Meeting Date: Monday, November 14th, 2022

Meeting Time: 4:00 o'clock, In-person in basement of the Courthouse.

1. Chairman Mark Leddy calls the Board of Adjustment meeting to order at 4:00.
2. Leddy asks if the board, or any staff member, had anything to add to the agenda with none being added.
3. Leddy makes an invitation for anyone present wanting to address the Board of Adjustments with an item not on the agenda with no one from the public responding.
4. Leddy asks for a motion to approve the agenda with Mach making a first and Johnson making the second. Motion passes unanimously, 7-0.
5. Leddy asks for a motion to approve the minutes from the October 17th, 2022, meeting which was made by Pillatzki with Berg making the second. Motion passes unanimously 7-0.
6. Leddy ask for any seated board member if they think they need to recuse themselves from any discussion, or from voting on, an agenda item on the approved agenda with no one responding.

7. Leddy calls for a motion to consider CUP10122022, a Conditional Use Permit (CUP) request from Kevin Souza, of Victory Farms, LLC, a CUP amendment to increase their dairy herd by 10 percent while maintaining their original ½ mile setback from all non-participating residences, as allowed by the county's CAFO ordinance for any vested CAFO. Hansen make a first followed by a second by Mach.

Leddy asks Kays to make a staff report presentation on CUP10122022.

Kays reports that CUP10122022 for Victory Farms, LLC, a Class A CAFO, was seeking an amendment to expand their original animal heard size by 10 percent. The original CUP, granted on March 10th, 2014, permitted 5000 mature dairy cows or 7,150 Animal Unites (A.U.) where the CUP amendment, if passed, would allow 5500 mature dairy cows or the equivalent to 7865 A.U.

Kays said that because the dairy CAFO was vested prior to a January 1st, 2019, deadline they would be allowed through a CUP amendment to expand their herd by up to 10 percent without having to meet new setback distances as long as the SDDENR approved of the manure management and nutrition management plans that would coincide with the total amount of requested additional A.U.s.

According to Kays when the county changed the setbacks of a Class A CAFO from ½ a mile to 1 mile for things like non-participating residences the county allowed for a one-time modest future expansion of the maximum A.U.

At Kays' conclusion of his staff report Leddy asked for any comments from the permittee where Souza gave an update on the dairy's biogas digester that was getting ready to go online in December and that he had already received permission from the SDDENR for the additional A.U. he was seeking to expand by.

Leddy then opened the public hearing for the CUP10122022 asking three times for any comments either in favor or opposition to the request where he heard none. Leddy then closed the public hearing.

Leddy then invited discussion between the board members where discussion included the need for a possible CUP amendment to increase permitted CAFO A.U. size where there seemed to be some confusion between the long-term serving board members that when the CAFO ordinance was amended to allow a growth in heard size by 10 percent that that would be allowed each year as long as the CAFO met their SDDENR requirements.

Seffrood, who led part of that discussion, said that it was his opinion that "up to 10 percent a year expansion" was needed to keep CAFOs profitable to keep up with increased costs of operation over time.

Souza was asked if he had considered expanding his dairy heard by more than 10 percent where he said he had one resident located just outside of his ½ mile setback that was not

interested in signing a waiver. Souza added that his current available acres for receiving manure has already been approved by the SDDENR for a heard size of over 7,000 mature dairy cows.

With no more discussion Kays read the Findings of Fact. Leddy hearing no more comments called for a roll call vote which passed unanimously 7-0.

8. During the “open address” portion of the meeting Leddy asked the board if they thought that the CAFO ordinance should be reviewed concerning the “one-time “10 percent expansion for Class A CAFOs where Mach said he would address that possibility with the County Commissioners at a future meeting.

With no more agenda items the next meeting was announced to be at 4 o'clock, on Monday, December 5th, 2022.

Leddy called for a motion adjourn. Motion made by Seffrood and seconded by Pillatzki. Motion passes unanimously 7-0.

Board of Adjustment meeting ends at 4:37.

Steve Berkner
Planning and Zoning Administrator
Grant County