

The Deuel County Zoning Board met on Monday December 22, 2014 at 7:00 P.M., at the 4-H Service Center Deuel County Fairgrounds Clear Lake, SD. Those present were members Dennis Kanengieter, Ron Boone, Paul Brandt, Jerry Durfee, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the Wednesday November 15 meeting were discussed. Motion by Boone, seconded by Dahl to approve the November 15, 2014 minutes. All voted in favor and motion carried.

- 1) Motion by Brandt, seconded by Boone to approve the amended December 22, 2014 Agenda. All voted in favor and motion carried.
- 2) Marlo Mundahl applied for a Variance. The request, if granted, would permit the applicant to use the following property: W1/2NW1/4SW1/4 & SW1/4SW1/4 & SW1/4SE1/4SW1/4 & W1/2NW1/4SE1/4SW1/4 Section 14-114-48 Norden Township. To build a 50'x80' pole shed 91 feet from the road right of way. Mundahl stated this is the only place that would work for him to pull his truck into. Motion by Boone, seconded by Dahl to grant the Variance on the following property: W1/2NW1/4SW1/4 & SW1/4SW1/4 & SW1/4SE1/4SW1/4 & W1/2NW1/4SE1/4SW1/4 Section 14-114-48 Norden Township. To build a 50'x80' pole shed 91 feet from the road right of way because this is the only place that would work for him to pull his truck into in an AG zoned district. The findings for this variance are that there are bins located between the proposed shed and the road. There are trees located to the north and west that help with snow and the house is also located closer the the road right of way then the proposed shed. All voted in favor and motion carried.
- 3) Zach Coonce representing William Williams applied for a Variance. The request, if granted, would permit the applicant to use the following property: Block 1 Winrow Addition in SW1/4 Section 21-116-47 Glenwood Township. To build a shed about 63 feet from the road right of way. This shed is for their well so it doesn't freeze over the winter. Motion by Boone, seconded by Dahl to grant the Variance on the following property: Block 1 Winrow Addition in SW1/4 Section 21-116-47 Glenwood Township, to build a shed about 63 feet from the road right of way in an Ag Zoned District. The findings for this variance are that there are trees located to the north and west that help with snow and the house is also located closer the the road right of way then the proposed shed. All voted in favor and motion carried.
- 4) Mark Oswald applied for a Special exception & Variance request, if granted, would permit the applicant to use the following property Outlots 10 & 11 Ash Point in Gov Lot 9 SW1/4 Lake Cochrane of section 4-114-47 Norden Township in the following manner: To operate a private campground in a Lake Park District and to build a deck closer than the Lake Park setbacks for side lot and toward the high water mark. Oswald stated that he looked in the zoning ordinance and didn't see that he needed a building permit for a deck. The zoning officer noticed that a deck was built without a permit and that it might be closer than what the side setbacks allow. Theisen contacted Mark Oswald and informed him that he would need a building permit and that he should apply for a variance for the side lot. Oswald also stated

that he built the deck for his camper and that he and his sister pull their camper on the lots over the summer and leave them there until fall. Oswald would like to apply for a private park so they can park their campers on the lots for the summer. The board asked Oswald how close the deck is to the property line. Oswald stated that he thought it was about 4 feet but wasn't sure where the lot line is. Motion by Durfee, seconded by Brandt to table until spring. All voted in favor and motion carried.

- 5) Motion by Dahl, seconded by Brandt to approve Plat of Peterson First Addition in Section 25-114-48 & Section 30-114-47 Norden Township. All voted in favor and motion carried.
- 6) Motion by Durfee, seconded by Dahl to approve Plat of Korbel Addition in Gov Lot 2 NE1/4 Section 5-116-50 Goodwin Township. All voted in favor and motion carried.
- 7) Motion by Boone, seconded by Brandt to approve Plat of Block 1A Bergjord's Addition in Section 32-113-48 Scandinavia Township. All voted in favor and motion carried.
- 8) Motion by Boone, seconded by Durfee to approve Plat of Cook's Point Second Addition in NE1/4SE1/4 section 4-114-47 Norden Township Lake Cochrane. All voted in favor and motion carried.
- 9) Motion by Dahl, seconded by Brandt to approve Plat of Lot 1 Kranz First Addition in NW1/4NW1/4 Section 28-116-50 Goodwin Township. All voted in favor and motion carried.
- 10) 9) Motion by Boone, seconded by Dahl to approve Plat of Replat of Nielsen Farm Addition in SW1/4SE1/4 Section 9-114-48 Norden Township. All voted in favor and motion carried
- 11) Killen Killen LLC., Michael Crinion, applied for a Special exception request, if granted, would permit the applicant to use the following property N1/2 of section 2-114-50 Hidewood Township in the following manner: a Class "A" concentrated animal feeding operation (CAFO greater than 2000 or more animal units) which will be a Dairy Operation. Crinion stated that they would like to build a dairy with about 3400 dairy cattle on section 2-114-50 Hidewood Township. He stated that they have about 3000 manure acres signed up and about 1000 acres ready to be signed up. Crinion stated that the economic impact from this dairy would be about \$7 million that includes the corn, hay, fuel, oil and wages. He stated that they meet all the state rules and regulations with this site. They are going to use a cross ventilation barn with no flume and they are going to use up separated solids for bedding. Dahl had questions about the water and if they are going to be on rural water. Crinion stated that they were looking at drilling a well on Keith Diekman's property and that would be their main water supply. Boone questioned if they were buying all of the N1/2? Crinion stated that they were looking at about 174 acres. Crinion stated that they were willing to set up road agreements with Hidewood and Havana Townships and that there was a grant with the DOT that would help with about 55% of improvements for a local entity.

Brian Friedrichsen with Dakota Environmental out of Huron was the engineer that helped Crinion with the location and design of the dairy. Friedrichsen stated that facility will house all the cattle under roof. The manure would be vacuumed up and transported to a reception pit and there it would be separated into the solids for bedding and liquid for the lagoons. Friedrichsen stated that the lagoons would have a clay liner he would prefer it to be 2/3 below ground level and that it would have a freeboard to help with extra rain and etc. This site

would have a secondary containment berm for the site runoff from the roofs and this would help stop if there was any leak from the lagoons toward the south were a creek is located.

John Delzer a lawyer that is representing Margaret Uckert and other neighbors stated that there were concerns about the dairy. Terry Rook, Bobbi Parker, Kay Pfeil, and Ed Gruener are neighbors and they are concerned about the manure runoff and the slope of the land to the south and how that could contaminate the creek and nearby dug outs. Garry Krause and Ed Gruener had concerns about a manure spill that happened at one of Global Dairy manure fields. Crinion stated that they have 24 hours to file a manure spill to DENR and that spill was handled and that they were fined. Boone stated that he went to the site and had a visual and talked with Keith Miller with DENR the next day about the spill. Kevin Banken stated that all manure applicators and the dairy have the manure management setbacks for each field. Diane Kluckman is also a neighbor and she was concerned about the value of her acreage if they would build. She stated that the value for her property would go down.

Leroy Stohr a Havana Township Clerk and Merle Niemann from Hidewood Township were concerned about which roads the dairy would use and how much truck traffic they would have. Crinion stated about 5 to 6 semis a day would travel some road to the dairy they don't know which route it would be yet.

John Delzer made a statement that the the Hidewood Hills is a very unique spot and all the neighbors have concerns about their property value, manure storage, and if there were a manure spill the cleanup plan. Delzer commented that the Hidewood Hills is the worst site for a potential dairy.

Bob Atyeo stated that the farms are not the little red barns and a couple of head of cattle. The demand is getting big and the farms are getting bigger. William Vendrig stated that everyone wants South Dakota to thrive but they don't want the bigger dairies. Craig Magadanz stated they feed heifers out for another dairy and they can make a living for three families. With this dairy they would produce income for other families for instance feeding out the heifers, cutting silage, and other similar jobs. Jason Mitchell from Valley Queen stated that Mike and Global Dairy are one of their top producers of milk and they run a very clean dairy.

Brian Donahoe, Mike Crinion's lawyer, stated that they have met all the setback for Deuel County Ordinance, there is no high risk for pollution, and the there is no evidence that they would decrease adjoining property land value.

Brandt asked Friedrichsen if they have a topography map of the proposed site. Friedrichsen stated not at this time and it would take a couple of weeks to produce. Brandt stated that this would help the board with their decision. Motion by Brandt, seconded by Durfee to grant a special exception for a Class "A" concentrated animal feeding operation up to 4900 animal units which will be a Dairy Operation. Conditions of the permit state that Killen Killen LLC

shall obtain a state general permit. That the lagoons will be constructed 3/4 below ground level and have an extra 1 foot of freeboard over and above the 2 feet freeboard that the state requires for a total of 3 feet of freeboard. They will need to have a haul road agreement set up with Hidewood and Havana Townships. A roll call vote Durfee- yes, Brandt- yes, Dahl-no, Boone-no, and Kanengieter-yes and motion did not carry.

12) Kanengieter adjourned the meeting.

Jodi Theisen
Zoning Office

Dennis Kanengieter
Chairman, Zoning Board