

August 1, 2023

A Special meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Marc Dick. This meeting is being held to discuss extension of emergency moratorium on Concentrated Animal Feeding Operations (CAFO's). Members present: Chuck Mehlbrech, Dean Koch, Steve Gordon, and Charles Liesinger.

Chairman Dick led the Pledge of Allegiance.

Chairman Dick called for approval of the agenda. Motion Koch to approve the agenda as posted. Second Liesinger. Motion carried.

Public input: none.

Conflict of Interest: none noted.

Cori Kaufmann, Zoning Administrator, presented updated zoning forms to the Board with request to standardize them. The forms included rezone application, building permit, conditional use permit application, 911 address/sign application, temporary use form, and variance application which does have substantial changes to it. Motion Mehlbrech to approve the updated zoning forms. Second Gordon. Motion carried.

The meeting then moved to discussion of extending the moratorium on Concentrated Animal Feeding Operations. Chairman Dick explained that individuals would be given 3 minutes to address the Board with their concerns. There were approximately 70 people in attendance.

Kiera Leddy, Siegel, Barnett & Schutz LLP, attorney representing Orland Colony, Meadow View Colony, and Golden View Colony, spoke first. Leddy presented a list of counties, their type of CAFO Class, and setback requirements to established dwellings, to the Commissioners. Leddy added that "fixing" ordinances affects every single type of animal confinement unit and is short term, until the next complaint. Concentrated Animal Feeding Operations bring economic development. Bernard Stockwell- asking that the Commissioners take 2 weeks to review pending permits, halt for now and leave lawyers out of this. Come check my management and the buildings. This can be between me and the board, don't need escalation, deescalate the situation. Brenda Haviland- just want the board to know that I had a building eligibility in 2001 and now I don't. Clair Barutt- we've had no personal contact from Bernie, need ethical development. Peter Begeman- read letter that he provided to the Auditor and ended noting that the moratorium is to stop bad actors. Tyler McCoy- McCook County is not grain only county, changes in zoning regulations make it harder to build and develop. Sheldon Hofer- asked that the board make no changes to the existing regulations. Hilary Stockwell- my husband is more friendly than me, I'm black/white, we fought for our land. Some farmers raise grains for livestock, we raise livestock. Ferlyn Hofer- we have a farrow to finish family run operation and want the next generation to be able to expand. It's hard to do a perfect job and a lot of producers are facing hardships, asking the board to leave zoning regulations and not place a moratorium. Brad Hohn, MDS Mfg- We are not farmers, but depend upon farmers. Commission has tough job, asking that you enforce what you do have. Drew Peterson- I represent McCook County as a District 19 Representative, today I'm before you as a farmer. People need to realize that McCook County is agricultural. Livestock development has been great for the county, but one rule can make changes for many. Brian Waldner- it's impossible for growth if complaints make new rules, please support farmers and work with rules that are set today. Vondra Kay Shaeffer read a letter and ended with Stockwell destroys dreams and lies. Kay Neubauer- my neighbors are great. I printed map of Spring Valley Twp and colored in rural residential areas, maybe need review of regulations regarding rural residential. Bernard Stockwell- I've never sold rural residential lots and I do have rental homes. Kenton Hofer- built barns 20 years ago, need livestock. Agriculture and livestock, especially, are driving forces for young producers. Manure management is tough and necessary to earn a living. Leave regulations as they are. Greg Sanford- purchased land 22 years ago with much work put into it and am screwed because now I cannot build on it. Jacob Schmidt- we want a

neighbor to be polite and ethical with morals. Stockwell has 6 building permits proposed now. Not against barns, against barns built next to driveway. John Addy- don't know which way I'm leaning. How about a third-party compromise, place 6 row shelter belt around barns. Brittany Joens read a letter, adding not opposed to barns. Glenn Muller, SD Pork Producers Council- need to responsibly grow the livestock industry. The commission can't mandate disputes and these same issues are happening in other counties. Feel the ordinance is good and a moratorium will be detrimental. Steve Lounsbery- asking board members for their due diligence and think it's a reasonable request to look at Stockwell's existing barns. Stephanie Entringer- I am pro agriculture but data, regarding confinement barns near homes, does show health issues. Would like to see points from a Smithfield study written into the zoning regulations. Julaine Wieman- I want to open windows but cannot due to stink from barns. We are not anti-agriculture, but there needs to be class C regulations. Of course, barns don't stink now because the sites have been cleaned up, so now commissioners are invited to go look. Reese Almond, Davenport Evans Law Firm, - urge Board to analyze and assess current regulations and check with other counties to do comparison of their CAFO regulations. A moratorium is temporary, not indefinite. CAFO should require a conditional use hearing.

Chairman Dick closed the public comment section of the meeting.

At this time, States Attorney Fink informed the Commission that they could hold discussion among themselves.

Following the discussion, motion by Koch to extend the moratorium on issuance of building permits for any concentrated animal feeding operations (CAFO's), until December 1, 2023. Second Gordon. Roll call vote: Ayes: Liesinger, Koch, Gordon, Mehlbrech, and Dick. Nays: none. Motion carried.

States Attorney Fink left the meeting at this time to draw up a resolution extending the CAFO moratorium in McCook County consistent with the directions of the Board. Fink returned with a resolution which extends the moratorium on issuing building permits related to CAFO construction, until the hour of 9:00 a.m., December 1, 2023, or until lifted or modified by further Board action. Motion by Koch to approve and adopt the resolution, second Liesinger. Roll call vote: Ayes: Gordon, Mehlbrech, Liesinger, Koch, and Dick. Nays: none. Motion carried.

RESOLUTION #2023-06
RESOLUTION OF THE MCCOOK COUNTY BOARD OF COUNTY COMMISSIONERS
CAFO MORATORIUM

BE IT RESOLVED BY MCCOOK COUNTY, SOUTH DAKOTA

WHEREAS, in order to support the health, safety and general welfare of the residents of McCook County, the McCook County Board of County Commissioners have established zoning regulations with permitted uses, conditional uses, and prohibited issues; and

WHEREAS, the constructions of CAFOs may impact the health, safety, and general welfare of the residents of McCook County; and

WHEREAS, in the view of the Board of County Commissioners, the current CAFO zoning regulations may not provide adequate protections to landowners seeking to construct or maintain residences in the same general area of a CAFO; and

WHEREAS, it appears that emergency conditions support this action, as the McCook County zoning ordinances may need to be amended to address the issues identified above,

NOW THEREFORE BE IT RESOLVED:

1. That the McCook County Board of County Commissioners does hereby impose an emergency moratorium on the construction or installation of any CAFO in McCook County, with this moratorium to remain in place until December 1, 2023, at the hour of 9:00 a.m., or until lifted or modified by further Board action (whichever comes first). This emergency moratorium is necessary to protect the health, safety, and general welfare of the residents of McCook County.

2. During the period of this moratorium, the County Zoning Administrator is prohibited from issuing any further building permits related to CAFO construction, until this moratorium is lifted or expires. This Resolution shall not affect any proper requests for the issuance of any other permits (by way of Building Permit).

3. The McCook County Board of County Commissioners recognizes the property interests of owners and applicants for building permits and, with this Resolution, seeks to balance those interests with the need to address the current Zoning Regulations pertaining to CAFO citing, construction and operation.

4. This is an emergency measure, which shall become effective upon passage; the Board of Commissioners shall act with diligence and urgency, to address the issues within the time frame set forth above.

Vote of the McCook County Commission: Aye 5 Nay 0

Dated this 1st day of August 2023 at Salem, South Dakota.

Board Chairperson

ATTEST:

Auditor

Discussion was held on CAFO classes.

With no other business before the Commission, the meeting adjourned at 11:10 a.m., subject to call.

Dated this 1st day of August 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County