

August 15, 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/review existing zoning regulations regarding Concentrated Animal Feeding Operations (CAFO's).

Members present: Chuck Mehlbrech, Dean Koch, Charles Liesinger, and Steve Gordon.

Chairman Dick led the Pledge of Allegiance.

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

Public input/comment: none.

Conflict of Interest: none noted.

Chairman Dick explained that individuals would be given time to offer input regarding regulation changes that they'd like to see. There were approximately 20 in attendance. Chair Dick asked Cori Kaufmann, Zoning Administrator, to begin. Sean Hegyi, Secog Planner, was also present.

Kaufmann explained that she put together a list of proposed changes to current Class A regulations, from the public comments, and will be presenting that list to the Board at this time. If individuals in the audience would like a copy of the list, they will be made following this meeting. Sean Hegyi, Secog Planner, presented setback distances from other counties noting that Lincoln & Minnehaha mirror McCook. Topics of discussion included: setbacks, waivers, and definitions. Kaufmann- need to recognize more than just Class A and Class B. Hegyi- smaller classes, C & D, possibility of seeing shorter setbacks at ¼ mile. Kaufmann-currently County has 1 mile setback from municipalities. Hegyi- need review of common ownership definition. Kaufmann asked the Board where do we go with what we regulate and Hegyi asked if they wanted other classes added. Koch- add C & D, following Lincoln County. Liesinger- feel class C would be sufficient, adding there should be a setback from wells. Kaufmann noted that Class A confinement units are permitted by the State, so these are the easiest to deal with for the P&Z Office, and because they are State regulated some verbiage may not be necessary. Kaufmann also noted that verbiage should be included for nutrient management plans and for waivers to be filed with the Register of Deeds Office. Kaufmann- would like to see Class A regulations focused on and finished so they can be released from the moratorium. The regulations must be enforceable and make sense.

At this time, Chairman Dick opened meeting for public comment. Mitch Peterson, Davenport, Evans, Hurwitz & Smith LLP, informed Board that they have a copy of a letter from the firm, and he will be touching on amendments for them to consider. First, County needs to know that DANR doesn't regulate much; common ownership, need to broaden radius from 1 mile to 2 miles; setbacks need to be bigger; no manure setback for houses, need to add; modern construction vs barns with curtains; dead animal disposal; and odor control. Kaufmann noted that conditions can be placed on conditional use permits to address concerns with each conditional use request and will review definition of common ownership. Kiera Leddy of Siegel, Barnett & Schutz, LLP, Attorney for Golden View Hutterian Brethren Inc, Meadow View Hutterian Brethren Inc, and Orland Hutterian Brethren Inc addressed the Board. Leddy noted that they also have a copy of a letter from her firm, and she will be pointing out some of the proposals. County needs a minimum # for confined animal unit ratios, we aren't just talking hog confinement but also chickens, cattle, etc.; waivers used by Minnehaha County are excellent, suggest you look at them; and disposal of dead animals is addressed by Animal Industry Board. Kaufmann- don't want to restrict family farms. Ferlyn Hofer- don't over-regulate or over-restrict and utilize setbacks. Don't limit the good producers. Brenda Haviland- a CAFO was built with no research in the area and now I can't utilize property that I purchased 22 years ago. Glen Muller, SD Pork Producers Council- Class A barns are regulated by State, not sure how well regulated; when it comes to construction, technology changes; regulations are complaint driven, don't just make changes and be cautious in decision making process. Roger Hofer asked what's with a sign located at 263rd St & off 451st Ave saying, 'hogs coming soon'? Kaufmann- nothing has been permitted here and do

not anticipate seeing a permit at this location. With no more public comment, Chairman Dick closed the public comment section of the meeting.

Kaufmann noted that she and Hegyi will provide definition updates and proposed language changes at the next meeting which will be held on Tuesday, August 29th, beginning at 9:00 a.m.

Julaine Wieman presented Chair Dick with a picture of piles of dead baby pigs and rotting baby pig carcasses that were dumped approximately ½ mile E of her home, about 1000' from the East Vermillion River and ½ to ¾ mile from new housing area.

At this time, a break was taken.

Motion by Liesinger to enter Executive Session at 10:45 a.m. for personnel issue, SDCL 1-25-2 (1). Second Mehlbrech. Motion carried. Michelle Stubkjaer, Alternative HR Consultant, was present. Chair Dick declared out of Executive Session at 11:55 a.m.

With no other business before the Commission, the meeting adjourned subject to call.

Dated this 15th day of August 2023.

Marc Dick _____
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman _____
Auditor, McCook County