

August 29, 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: Dean Koch, Chuck Mehlbrech, 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 Gordon. Motion carried.

Public input/comment: Roger Hofer asked the Commission if they knew that another solar farm is checking into McCook County. Hofer stated that they should have to use American made products.

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 and Hegyi discussed the following topics: who investigates complaints, suggested definitions for common ownership, definition of CAFO, setback verbiage, setback exceptions, conditional use process, and ROW setbacks. Kaufmann noted that ROW setbacks are an issue, currently have 30' and 50', need to have longer setbacks. Koch suggested conditions for ROW and asked Brian Waldner (?), Golden View Colony, how far their barns are from ROW. Waldner-150' is reasonable because it allows room for feed trucks and livestock trucks to get around the buildings. Hegyi asked if Board wants 150' ROW on all roads, township, county, and federal. Yes. Hegyi asked about manure setbacks for dwellings; currently there are none. Does Board want them? Kaufmann noted that 98% of the time this isn't an issue. Chair Dick asked if the colonies are using digesters. Waldner, no.

At this time, Chairman Dick opened meeting for public comment. Mitch Peterson, Davenport, Evans, Hurwitz & Smith LLP: careful with definition of common ownership, consider larger radius for multiple barns, look at property line setbacks and also residential setbacks, and how often can an operator spread manure. Roger Gerlach-do need definition for common ownership and no manure application close to a holiday. Kay Neubauer-feel 2-mile radius from barn is best for all involved due to health issues. Glen Muller, SD Pork Producers Council-manure application is limited by conditions and don't go too large with setbacks because restrictions can hurt. Kiera Leddy of Siegel, Barnett & Schutz, LLP, Attorney for Golden View Hutterian Brethren Inc, Meadow View Hutterian Brethren Inc, and Orland Hutterian Brethren Inc-careful with definition of common ownership, 1-mile radius is appropriate, and figure setbacks from property lines. Leddy noted that the Board has another letter from her firm before them regarding proposed ordinance changes. Ferlyn Hofer-setbacks should be from road, agree with 150' to 200' and some operators have manure application done by custom applicator and you have to work with their schedule. Brian Waldner-feel 150' setback is good number. And if you have someone applying manure just to aggravate his neighbors, then create a setback. Kaufmann noted that if someone has a conditional use permit and the County is getting complaints, the County can reopen the conditional use hearing, adding conditions to the permit. Julianne Wieman-put teeth into the regs. 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, September 19<sup>th</sup>, beginning at 9:00 a.m.

In other business, Mehlbrech asked for a decision on having a stairlift installed going to the Courthouse basement. Auditor Sherman presented the estimate, \$4885.20, received from R&R Mobility, SF. Motion Liesinger to approve the installation of the stairlift. Second Gordon. Motion carried.

The meeting adjourned subject to call.

Dated this 29<sup>th</sup> day of August 2023.

Marc Dick \_\_\_\_\_  
Chairman, McCook County Commission

ATTEST:

Geralyn Sherman \_\_\_\_\_  
Auditor, McCook County