Thursday May 19, 2022

The Deuel County Zoning Board met on Thursday May 19, 2022 at 6:30 p.m., at the Deuel County Complex at 47494 SD Hwy 22, Clear Lake, SD. Those present were members Judith Homan, Paul Brandt, Kevin DeBoer, Mike Dahl, alternate Gary Jaeger, Zoning Officer Jodi Theisen. There were other Deuel County property owners present: Tammy Krein, Bobby Markham, Linda Svec, Jogchum Andringa, Siedse Andringa, Dwayne Gorder, David Nystrom, Marceen Nystrom, Argan Blok, Shannon DeWitt, Brian Friedrichsen, Paul Kostboth, Ben Stout and Ty Eschenbaum.

Vice Chairman Kevin DeBoer called the meeting to order.

Motion by Brandt, seconded by DeBoer, to approve the May 19, 2022, Agenda. All voted in favor and motion carried.

ITEM ONE

Global Dairy LP, applicant/owner, applied for a Variance Permit Pursuant to Section 1304.06 CAFO Requirements Setback and Separation Distance. The request, if granted, would permit the applicant to use the following property: property previously described as SW1/4 Less Shannon Addition & Less Ariean & Sherman Addition to be known upon new plat as Global Dairy Second Addition in S1/2NW1/4, SW1/4 & SE1/4 of Section 21-113-50, Grange Township, Deuel County, South Dakota, to expand their Class "A" Concentrated Animal Feeding Operation with less than 2,640' from the established residences.

Global Dairy LP, applicant/owner, is requesting to expand their Class "A" Concentrated Animal Feeding Operation with less than 2,640' from the established residence. The proposed expansion of the CAFO will be located within the 2640 feet east of Ben Markham, approximately 520 feet from the Shannon Houselog (DeWitt) (co-owner) and within the 2640 feet west of David Nystrom property (that has a mobile home on it, which isn't David's primary residence). The County requires a waiver or a letter before construction of a Class A CAFO within one-half mile of an existing residence may begin: Bobby Markham, Shannon Houselog (DeWitt) and David Nystrom have provided a letter stating they are willing to waive the setback requirements and give permission to expand the existing facility (CAFO) on the proposed location that is within ½ mile of the residences. The Board has a history of granting variances where the neighbors sign the waiver or a letter.

Motion by Dahl, seconded by Brandt, to grant the Variance to allow Global Dairy LP to expand their Class "A" Concentrated Animal Feeding Operation within 2,640' from an established residence. The findings for this Variance is Deuel County Zoning Office has on file letters of the existing residences and in favor of the expansion within 2,640' from their established residence. DeBoer called for a roll call vote; Jaeger-yes, Brandt-yes, Homan-yes, Dahl-yes, and DeBoer - yes and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM TWO

Global Dairy LP, applicant/owner, applied for a Special Exception Permit ((Section 1101.03 (8)) Article XIII - (Section 1300) – Concentrated Animal Feeding Operation Regulations. The request, if granted, would permit the applicant to use the following property: SW1/4 Less Shannon Addition & Less Ariean & Sherman Addition to be known upon new plat as Global Dairy Second Addition in S1/2NW1/4, SW1/4 & SE1/4 of Section 21-113-50, Grange Township, Deuel County, South Dakota, to expand their Class "A" Concentrated Animal Feeding Operation

(CAFO from 7,486 animal units to 11,832 animal units which is 5,980 mature cattle (5,200 milking plus 780 dry cows), 680 calves & 2,600 heifers) which is a dairy facility in the Ag District

Blok stated that they would like to expand their CAFO permit to 5,980 mature cattle (5,200 milking plus 780 dry cows), 680 calves & 2,600 heifers. They currently have 2,800 cows now and the current parlor to the main barn was destroyed the previous week by the storm. The expansion will consist of construction of a freestall barn addition to the Sherman barn (which was approved in 2017 application) and will be for young stock (heifers), an addition to the calf barn (which was approved in 2017 application), a proposed parlor to the main (1st) existing freestall barn, an addition to the east freestall barn to connect the two together, a new settling pond to the northwest, a combination of settling ponds 1 & 2 and a new proposed feed storage area to the north of the existing feed storage area. A Digester System, proposed separator building, covered pond and parking area to the north of the CAFO will also be added. The new parlor would be a carousel and they would retire the older parlor (however that parlor is gone because of the storm).

Blok stated the expansion is due to the fact that they want to keep younger stock that has to be shipped out onsite and that their contracts with Valley Queen's expansion demand more capacity. With the digester they will be going green bedding using the solids from the digester and the separator. This bedding pack is cleaner and the digester process kills the bacteria in the manure bedding.

Brian Friedrichsen who works at Dakota Environmental, Inc. stated that he has prepared the nutrient management plan, manure management plan, and the fly and odor management plan. He and Blok stated that they didn't add any new fields to plans, as they have an abundance of manure acres. Friedrichsen stated these management plans were prepared using the state permit standards. He stated that they currently have a haul road agreement with Grange Township.

Theisen stated that she received a letter from Kevin & Patty Foster to remove one of the nutrient management fields as they are transferring that property. Friedrichsen stated that field will not affect the nutrient management plan. The main fields they pump to are approximately 2 to 3 miles away and the outer fields might be 5 miles away. Blok stated that they inject the manure into the fields.

Friedrichsen & Blok stated that runoff from the barns and the feed storage will go to the lagoons. Theisen stated she had received concerns from some neighbors, one being Grant Holden, about the odor and another from Jim Roelofs about Peg Munky Run and the risk of manure spill and pollution of the creek. The board had discussion about the testing of surface water and how to pin point the areas to test and if there was pollution how to know the exact area of contribution if it was neighboring pasture of cows or the dairy. Friedrichsen stated the lagoon has extra freeboard and all the runoff from the site is contained in the lagoons. DANR has done soil borings to test the ground water and those tests didn't require any test wells and should there be any complaints or concerns, DANR would have the regulations.

Blok stated that they have around 1,500 to 1,700 acres for feed and they haul in feed also. They have been working with SDDOT about the new approach and the future road construction on HWY 28.

Thiesen stated that she sent out letters to adjoining land owners, Grange Township, SDDANR, and the water districts about this Special Exception request.

The board opened it up to public comments.

DeWayne Gorder – (Grange Township) was good with the roads and the haul road agreement. Had concerns about the digester with the smell and the routing of the pipeline.

Paul Kostboth stated that he had talked to Kevin Foster, Grange Township, about the pipeline being in the road right-of-way and they will bore/trench it in.

Bobby Markham – neighbor to the east stated they are good neighbors and he doesn't smell the dairy that much.

Tammy Krein – neighbor to the west stated they are good neighbors, the dairy doesn't smell any different than any other feedlot, and they hire outstanding employees.

Linda Svec – had concerns about the digester and the ground water.

Motion by Homan, seconded by Jaeger, to grant the Special Exception for a Class "A" Concentrated Animal Feeding Operation (CAFO from 7,486 animal units to 11,832 animal units which is 5,980 mature cattle (5,200 milking plus 780 dry cows), 680 calves & 2,600 heifers) which is a dairy facility in the Ag District on property. Contingent on a Letter of Assurance that shall be signed and filed with the Deuel County Zoning Office. DeBoer called for a roll call vote; Jaeger-yes, Brandt-yes, Homan-yes, Dahl-yes, and DeBoer -yes and the motion carried. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM THREE

Brookings Biogass LLC, applicant , Global Dairy LP, owner, applied for a Special Exception Permit Section 1101.03.12 – Essential Services. The request, if granted, would permit the applicant to use the following property: Global Dairy Second Addition in SW1/2 of the NW1/4, SW1/4 & SE1/4 of Section 21-113-50, Grange Township, Deuel County, South Dakota, to construct a biogas upgrade and interconnection system to Northwestern Gas Pipeline network for biogas from anerobic digesters at Global, Hammink, and Northern Sky Dairies in Ag District.

Paul Kostboth, A1 Development Solutions, represented the digester and the interconnection system. Kostboth stated they are currently working with 9 dairies to build 8 separate digesters which are in "clusters" including sites in Moody, Brookings, Deuel and Grant counties. These clusters also include gas upgrader systems for the biogas generated by the digesters in the cluster and gas interconnect points where the biogas is transitioned to gas companies, such as NorthWestern Energy in this case, injecting the renewable natural gas (RNG) into their gas network.

The gas generated from the digesters will be collected via a gas line to be installed in road ROW's following all applicable State and PUC requirements. All biogas will be delivered to the site and then to a central Upgrader system which will finish turning the biogas into pipeline quality RNG. The RNG will then go through a quality control process and becomes the property of NorthWestern Energy who will finish the process of injecting it into their system.

A gas offloading system will also be developed at Global Dairy for the delivery of additional biogas which will be trucked in from 2 other dairies, Lakeside and Blooming Valley, located in Grant County. This offloading station will allow for the potential of gas from other digesters to be added in the future.

They are requesting the SEP for approval of the Upgrader, Offloading, and Metering stations as provided in the site plan, NorthWestern Energy will also be requesting an additional SEP at a later time. That request will outline their plans for delivering the RNG from their Metering site to approximately 1.5 miles east at their existing gas line system where the injection will take place. They are currently working on those design details.

Kostboth stated necessary permitting with multiple agencies such as SD DANR, the PUC, and US Corp is already in various stages of approval as well. The impacted townships (Grange Township in Deuel) have been notified about the plans for the installation of the gas lines in the ROW, all of which will be bored under roads or driveways so as to cause minimal disruption anywhere along the route.

Kostboth stated that the proposed digester will lower the odor of the manure from the dairy. Ben Stout and Ty Eschenbaum (A1 Development Solutions) stated that green energy market is more available now then 4-5 years ago. Green energy and digesters are new technology for future dairies among other projects.

Theisen stated:

- o This lot has an existing access off SD HWY 28;
- o They have efficient off-street parking; 3-4 Employees on site and ample room for parking
- o They have efficient utilities – Garage service and a dumpster;
- o They have efficient Screening and Buffering; 6'-8' chain link fence around various areas of the sites;
- o They will be having Signs; signage being located on the entrance gates to the different areas; commercial grade directional lights for each area
- o They have efficient yard space and other open space;

Motion by Brandt, seconded by Dahl, to grant the Special Exception Permit Section 1101.03.12 – Essential Services, to construct a biogas upgrade and interconnection system to Northwestern Gas Pipeline network for biogas from anerobic digesters at Global, Hammink, and Northern Sky Dairies in the Ag District. This is Contingent on the anaerobic digester being built on the Global Dairy site. A Letter of Assurance shall be signed and filed with the Deuel County Zoning Office. DeBoer called for a roll call vote; Jaeger-yes, Brandt-yes, Homan-yes, Dahl-yes, and DeBoer - yes and the motion carried. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

Vice Chairman DeBoer adjourned the meeting.

Jodi Theisen Zoning Officer	Kevin DeBoer Vice Chairman, Zoning Board

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- o They have efficient yard space and other open space;

Motion by Brandt, seconded by Dahl, to grant the Special Exception Permit Section 1101.03.12 – Essential Services, to construct a biogas upgrade and interconnection system to Northwestern Gas Pipeline network for biogas from anerobic digesters at Global, Hammink, and Northern Sky Dairies in the Ag District. This is Contingent on the anaerobic digester being built on the Global Dairy site. A Letter of Assurance shall be signed and filed with the Deuel County Zoning Office. DeBoer called for a roll call vote; Jaeger-yes, Brandt-yes, Homan-yes, Dahl-yes, and DeBoer - yes and the motion carried. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

Vice Chairman DeBoer adjourned the meeting.

Jodi Theisen
Zoning Officer

Kevin DeBoer
Vice Chairman, Zoning Board