

DOUGLAS COUNTY COMMISSIONER MEETING
MARCH 27, 2018

PURSUANT TO ADJOURNMENT the Board of County Commissioners met at the Douglas County Courthouse in Armour, SD at 7:00 p.m. on Tuesday, March 27, 2018. Ivan Lau, Steve Lau, Marlin Maas, Floyd Muntefering and Jerod Star were present. Also present was Auditor Barker, States Attorney Parkhurst, Brian McGinnis of District III and Sam Grosz representing Douglas County Publishing. Approximately thirty County residents were also present. The meeting was called to order by Chairman Muntefering. The Pledge of Allegiance was recited. A motion was made by S. Lau and seconded by Star to adopt the agenda as posted. All members voted in favor of this action, motion carried.

WORK SESSION

Chairman Muntefering explained to the residence in attendance that although this was a public meeting, it was not an open meeting, therefore, the board would not be taking comments from the audience.

Star initiated the conversation amongst the board with a discussion about the manure application setbacks. Maas presented some discussion points and questions that he had prepared prior to the meeting. McGinnis asked for clarification from the board in regards to what the board would like to see for "grandfathered in properties".

A motion was made by S. Lau, seconded by Star to

1. **Amend the Animal Feeding Operation Definitions by elimination of the Class C definition and expanding Class B to 450-999.**

<u>Class</u>	<u>Animal Units</u>
Class A	1,000 and Above
Class B	500 450 - 999
Class C	450 - 500

2. **Amend the Animal Unit Conversion Table definition to eliminate the Class C column and rework the Class B column to include 450-999 Animal Units**
3. Amend Section 507 Conditional Uses (4) to add "Class A and B"

Animal feeding operations (Class A and B):

4. **Amend Section 515 Animal Feeding Operation Performance Standards introductory language to eliminate Class C and any reference thereto and amend Class B to include animal units ranging from 450 to 999**

Class A (1,000 and Above)

Section 515(1,2,3,4,5(a),6(a),7,8,9,10,11

~~Class B (588 450 - 999)~~

Section 515(3,4,5(b),6(b),7,8,9,10,11

~~Class C (450 - 587)~~

~~Section 515(3,4,5(c),6(c),7,8,9,10,11)~~

- 5. Amend Section 515 Animal Feeding Operation Performance Standards (5) (c) to eliminate Class C operations and their associated setback also modify (5) (b) by deleting the “total animal units (4.5 feet) language and replace it with 2,640 feet.

Animal Feeding Operations and their waste facilities shall be located no closer than the following regulations prescribe from any incorporated municipality or the Corsica Lake Recreation Area.

- a. Class A 2 miles
- ~~b. Class B Total Animal Units (4.5 feet) ½ mile~~
- ~~c. Class C 2,640 feet~~

- 6. Amend Section 515 Animal Feeding Operation Performance Standards (6) (c) to eliminate Class C operations and their associated setback also modify (6) (b) by deleting the “total animal units (4.5 feet) language and replace it with 2,640 feet.

Animal Feeding Operations and their waste facilities shall be located no closer than following regulations prescribe from any church, school, residential dwelling, or rural residential district:

- a. Class A 1 mile
- ~~b. Class B Total Animal Units (4.5 feet) ½ mile~~
- ~~c. Class C 2,640 feet~~

Following discussion, a roll call vote was taken with the following votes recorded: Voting “aye”: Maas, Star, I. Lau, and S. Lau. Voting “nay”: Muntefering. Motion carried.

A motion was made by Star and seconded by Maas to

Amend Section 515 Animal Feeding Operation Performance Standards (6) to add: “The County reserves the right to waive the aforementioned approval and signature requirements for any church, school, commercially zoned area, or residential dwelling within the prescribed setbacks. These powers shall be limited to when, in the Board of Adjustment’s opinion, the failure or inability to obtain approval is not directly related to the real or perceived impacts of the proposed operation. The concurring vote of two-thirds (2/3) of the full membership of the Board of Adjustment shall be necessary to waive the aforementioned approval and signature requirements.”

After discussion, a roll call vote was taken with the following votes recorded: Voting “aye”: S. Lau, Maas, Star, I. Lau and Muntefering. Voting “nay”: none. Motion carried.

A motion was made by S. Lau and seconded by Maas to adopt the Manure Application Setbacks as proposed by Jerod Star as follows:

Amend Section 515 Animal Feeding Operation Performance Standards (9) (g) to change the setback from 2,640 feet to 1,320 feet. Change 9 (h) setback from 5,280 feet to 2,640 feet. Modify 9 (i) setback from 2,640 feet to 300 feet. Change (9) (j) setback from 5,280 feet to 300 feet.

- g. Incorporated Communities,
Residential Districts or Corsica
Lake Recreation Area (Surface) ~~2,640 feet~~ 1,320 feet**
- h. Incorporated Communities,
Residential Districts or Corsica
Lake Recreation Area (Irrigated) ~~5,280 feet~~ 2,640 feet**
- i. A Residence other than the
Operators, Church or School (Surface) ~~2,640 feet~~ 300 feet**
- j. A Residence other than the
Operators, Church or School (Irrigated) ~~5,280 feet~~ 300 feet**

A roll call vote was taken with the following votes recorded: voting "aye": Maas, Star, I. Lau, S. Lau. Voting "nay": Muntefering. Motion carried.

States Attorney Parkhurst stated that it is his recommendation to hold another public hearing, at the Commissioner level, due to the substantial changes that have been made. It was decided that the public hearing will be scheduled for Tuesday, April 17, 2018 at 7:00 p.m. The First reading will also take place, immediately following the public hearing.

Commissioner Maas thanked the public for their input throughout this process and for attending the meeting.

ADJOURNMENT

At 7:51p.m. A motion was made by S. Lau, seconded by Star to adjourn until 9:00 a.m. on Tuesday April 3, 2018. All members voted in favor of this action, motion carried.

SIGNED: _____
Floyd Muntefering, Chairman
Board of County Commissioners

ATTEST: _____
Phyllis Barker, Auditor

