

NOTICE OF HEARING - APPLICATION FOR CONDITIONAL USE MARSHALL DAIRY

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on March 29, 2022 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Conditional Use from the Marshall County Zoning Ordinance.

Marshall Dairy has requested a Conditional Use from the Marshall County Zoning Ordinance to expand the current headcount of the Concentrated Animal Feeding Operation (CAFO), on the property described as NW1/4 of Section 24, T128N, R53W, Marshall County (East Dairy) and E1/2SE1/4 of Section 17, T128N, R53W, Marshall County (West Dairy). The request, if granted, will expand East Dairy from 12,650 head to 14,650 head of mature dairy cattle; and will expand West Dairy from 5,800 head to 6,300 head of mature dairy cattle, for a grand total expansion of 2,500 head. Marshall Dairy will have a total of 21,800 head of dairy cattle, equivalent to 30,180 Animal Units (AU) between both sites.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: March 16, 2022

IT (Mar 16)
**NOTICE OF HEARING
- APPLICATION FOR
CONDITIONAL USE
MARSHALL DAIRY**

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Erin Collins-Miles, Planning & Zoning Administrator
Published once at the approximate cost of \$11.31.

STAFF REPORT
March 29, 2022

APPLICATION FOR CONDIITIONAL USE MARSHALL DAIRY

GENERAL INFORMATION:

PETITIONER	Marshall Dairy
REQUEST	Conditional Use for CAFO – Mature Dairy Cattle expansion
LEGAL DESCRIPTION	NW1/4 of Section 24, T128N, R53W, Marshall County (East Dairy) and E1/2SE1/4 of Section 17, T128N, R53W, Marshall County (West Dairy)
CURRENT ZONING	Agricultural
SURROUNDING ZONING	Agricultural
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: The petitioner is requesting a Conditional Use to expand their current CAFO. They propose to increase East Dairy from 12,650 head to 14,650 head of mature dairy cattle; and increase West Dairy from 5,800 head to 6,300 head of mature dairy cattle; for a grand total expansion of 2,500 head. Based on the expansion proposal, Marshall Dairy will have a total of 21,800 head of dairy cattle at both sites, equivalent to 30,180 Animal Units (AU).

REVIEW: Marshall Dairy currently holds a Marshall County Conditional Use Permit and a General State Permit through DENR for a Class A CAFO, allowing for 12,650 head of mature dairy cattle at their East site; and 5,800 head of mature dairy cattle and 850 head of dairy heifers at their West site. Marshall Dairy has applied for an expansion permit from DENR for mature dairy cattle with the proposed expansion numbers stated in the general comment above. There will be no construction or expansion of animal holding areas or manure storage areas. The only proposed change will be the number of animals permitted. No objections were received prior to the scheduled CU hearing.

MARSHALL COUNTY APPLICATION FOR CONDITIONAL USE

DATE: March 9, 2022

To: Marshall County Planning and Zoning Commission
PO Box 9
Britton, SD 57430

The undersigned do hereby request a conditional use from the Marshall County Zoning Ordinance as provided by Article Appendix B Section 1.1 for the purpose of See Attached.

Legal Description: NW 1/4 Section 24, T128N, R53W, Marshall County, SD and Section 17, T128N, R53W, Marshall County, SD.

Reason: Barn improvements and operational efficiencies acquired during the lifetime of the project have allowed the facilities to house and milk additional head. This increase will not require construction or expansion of animal holding areas.

Applicant's Name: Riverview, LLP Phone: 320-392-5609

Address: 26406 470th Ave Morris, MN 56267

Applicant's Signature: [Signature] Riverview, LLP

Owner's Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 3/8/22 Fees (non-refundable): \$ 300.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: March 29, 2022

Action taken by Planning and Zoning Commission: _____

**LETTER OF ASSURANCE
CONCENTRATED ANIMAL FEEDING OPERATION
MARSHALL COUNTY, SOUTH DAKOTA**

Applicant: Marshall Dairy – East & West (Riverview)

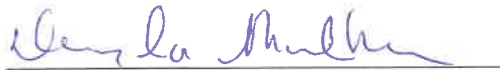
Legal Description of Site: NW1/4 of Section 24, T128N, R53W (East Dairy)
& E1/2SE1/4 of Section 17, T128N, R53W (West Dairy)

Number of Animals Permitted under this Application: 20,950 head of mature dairy cattle & 850 head of dairy heifers, or 30,180 AU

- A. The Concentrated Animal Feeding Operation will be constructed, located and operated so as not to create a significant contribution to pollution.
- B. Manure will be knifed in or incorporated within 24 hours of application.
- C. The Applicant shall take measures to minimize damage to county and township roads and shall be responsible for excessive damage to any county or township road in conjunction with the operation of this Concentrated Animal Feeding Operation facility.
- D. The Applicant acknowledges that the Applicant is responsible for any potential surface or ground water pollution caused by the Concentrated Animal Feeding Operation.
- E. The Applicant shall obtain a State General Permit, and the Marshall County Permit approval is contingent upon receiving the State General Permit.
- F. The Applicant agrees to abide by all County Setbacks as required by the Marshall County Zoning Regulations.
- G. Sufficient land specified for spreading purposes as defined by Department of Environment and Natural Resources shall be maintained at all times.
- H. Failure to adhere to the above assurances shall constitute grounds for revocation of permit; provided, however, that the applicant shall have 90 days following written notice of violation to correct violation and show proof of correction to the County Board of Adjustment.

Riverview LP, by 
Applicant

3-29-22
Date


Chairman Planning & Zoning

3-29-22
Date

Class A CAFO Permit for Marshall Dairy – Riverview Farms

East Dairy Permit Allows: 14,650 head mature dairy cattle

Total AU: 20,510

*Approved 3/29/22 (tentatively)

West Dairy Permit Allows: 6,300 head mature dairy cattle

850 head dairy heifers

Total AU: 10,010

*Approved 3/29/22 (tentatively)

Grand Totals: 20,950 head Mature Dairy Cattle/29,330 AU

850 head dairy heifers (feeder cattle)/850 AU

Total AU: 30,180

Class A CAFO Permit for Marshall Dairy – Riverview Farms

East Dairy Permit Allows: 12650 head mature dairy cattle

Total AU: 17710

*approved 12/31/13

West Dairy Permit Allows: 5800 head mature dairy cattle

850 head dairy heifers

Total AU: 8970

*approved 9/25/13

Grand Totals: 19300 head

Total AU: 26680

MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

March 14, 2022

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on March 29, 2022 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Conditional Use from the Marshall County Zoning Ordinance.

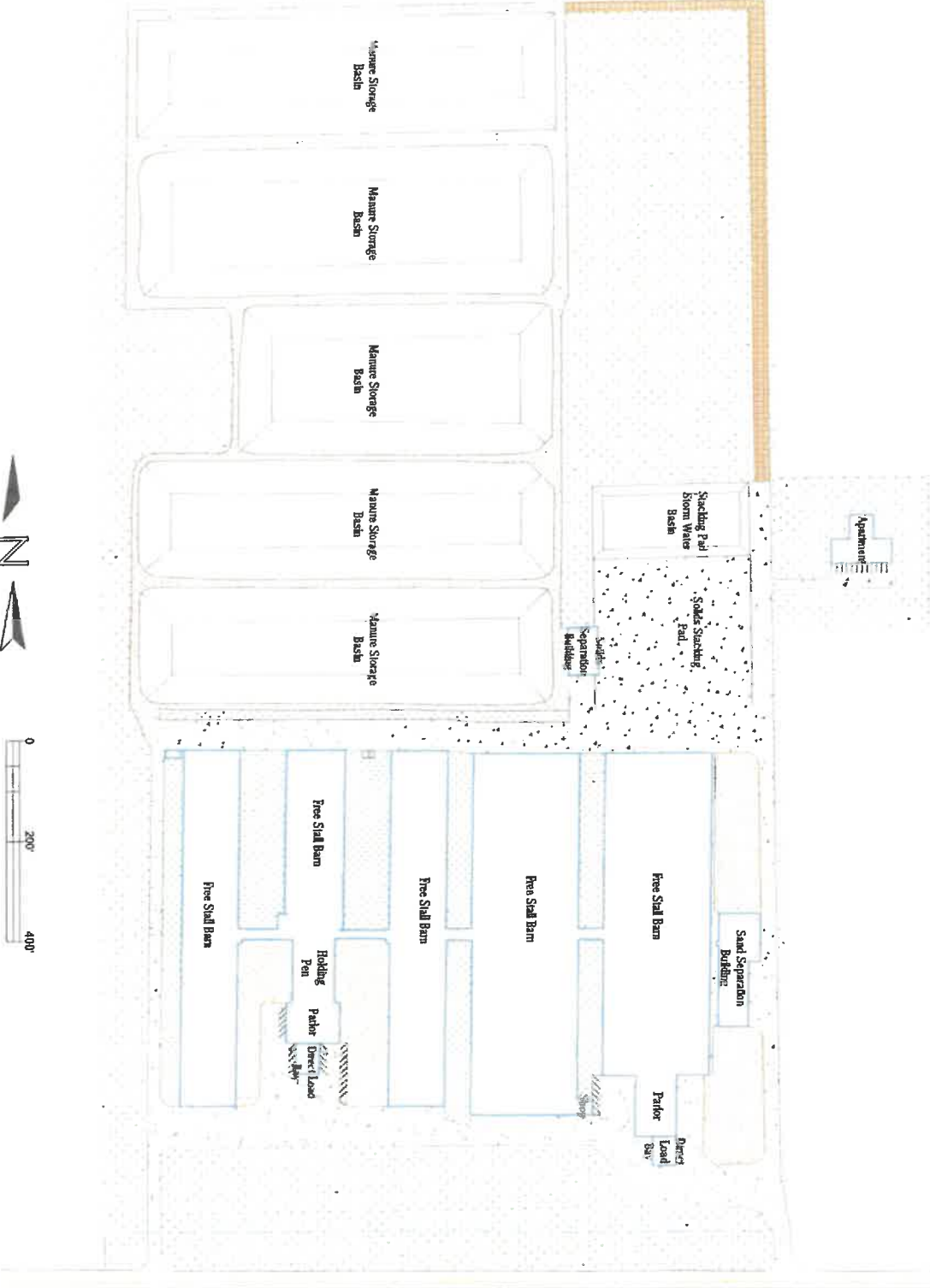
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As an adjacent landowner, you are being notified of the hearing. Any comments or concerns should be expressed at the scheduled hearing or stated in a letter forwarded to our office prior to the said hearing. If you have any questions, please contact our office.

Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator



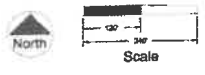
DATE: 03/13/18
DRAWN BY: Tyler T.
SHEET SIZE: 11" x 17"
SHEET NO.: 101

PROJECT: MARSHALL WEST
SHEET TITLE:
SHEET DESCRIPTION:

ADDRESS:
 Address

THIS DRAWING IS THE PROPERTY OF RIVERVIEW, LLP, AND IS NOT TO BE REPRODUCED IN ANY MANNER WITHOUT WRITTEN PERMISSION.

RIVERVIEW
 LLP
 26408 470th Ave.
 Mounds, MN 56267
 www.RiverViewLLP.com



SHEET NO. 101	DATE: 08/01/2011	CLIENT: Laverell Dairy (Bent)	
	DRAWN BY: JACOB	SHEET TITLE: Site Plan	
	CHECKED BY: JACOB	SHEET DESCRIPTION: Site Plan	