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January 3rd, 2017 Minutes

Brookings County Planning & Zoning Commission
January 3rd, 2017 – 7:00 PM
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 7:03 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael Vande Weerd, Randy Jensen, and alternate board member Roger Erickson. Absent was alternate board member Tom Davis.

Chair Robbins read **agenda item # 2: Approval of minutes from December 5th, 2016 Special meeting and December 6th, 2016 meeting.** Darrell Nelson moved to approve the minutes. Terrell Spence second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** None added.

Chair Robbins read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Robbins read **agenda item # 5: Approval of Agenda.** Chair Robbins stated, "There is a change to the agenda, item #7 will be rescinded and removed from the agenda because the building permit applicant has been reimbursed for the building permit, removing the building permit thus calling for removal of this agenda item." Kimberly Elenkiwich moved to approve the agenda. Darrel Kleinjan second. Chair Robbins called for a voice vote. 9-ayes and 0- nays, motion carried.

Chair Robbins read **agenda item # 6: Election of Officers for 2017.** Chair Robbins turned the meeting over to Richard Haugen for the election of officers. Richard Haugen opened up for nominations and asked the election committee members of Vande Weerd and Spence for their report. The committee reported Jeff Robbins for chair and Kimberly Elenkiwich for vice chair. Mr. Haugen asked for further nominations for chairman three more times, seeing none, closed the nomination and called for a unanimous ballot for Jeff Robbins for Chairman for 2017. Randy Jensen made a motion for nominations to cease and accept the

unanimous ballot. Lee Ann Pierce second. Mr. Haugen called for a voice vote, 9-ayes and 0-nays. Richard Haugen turned the meeting over to Chairman Robbins. Chair Robbins noted the name of Kimberly Elenkiwich for vice chair and opened up for further nominations from the board. Lee Ann Pierce made a motion that nominations cease and accept the unanimous ballot of Kimberly Elenkiwich for Vice Chairman. Michael Vande Weerd second. Chair Robbins called for a voice vote, 9-ayes, 0-nays. Chair Robbins then stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 8: 2017var001: Old Tree Farms by Frido Verpaalen has made an application 2017var001 to the Brookings County Board of Adjustment, for a variance. Article 22: Section 22.01: Concentrated Animal Feeding Operation Regulations: Concentrated Animal Feeding Operation Control Requirements: # 6) Required Setback and Separation Distance. The property is described as: "S1470' of W1481.36' Exc S295' of E295' of W1248' in SW1/4 of Sec. 34, T110N, R51W (Volga Township)" ~ located at 46316 214th St, Volga, SD 57071.** Darrell Nelson moved to approve the variance request. Randy Jensen second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Verpaalen has applied for a variance to be 1,760 feet from a residence located in the NE1/4 of Section 4, T109N, R51W located to the southwest of his operation, a variance of 880 feet and 2,265 feet from a residence located in the SE1/4 of Section 33, T110N, R51W, a variance of 375 feet. The setback distance is 2,640 feet. Both residences are on established, existing farmsteads." Mr. Haugen went over a brief history of the operation noting the dairy was permitted as a Class "B" CAFO on April 7th, 1998, approved for an expansion from Class "B" to Class "A" CAFO in April 5th 2011 and all variances in the past were approved. He also noted, adjoining landowners, Volga and Oslo Township Chairs and Clerks, the Brookings County Highway Department and Kingbrook Rural Water were sent letters. Replies were received from adjoining landowners Jerry Nelson and Jeraldine Weinacht and noted they had no opposition to the requests. Public Notices were also published in the Brookings Register and the Volga Tribune. Mr. Haugen then presented a visual presentation of the site. Chair Robbins asked Mr. Verpaalen to come forward and address the board. The applicant identified himself as Frido Verpaaelen and stated, "We own the place and need variances to expand to start raising our own heifers and calves." Chair Robbins opened up for questions from the board. Chair Robbins questioned why the expansion was needed at the specific location versus other areas at the site. Mr. Verpaalen noted they want to raise all the calves on the site and would need to expand onto the existing buildings to allow for this as they did not want to raise the calves off-site. Brian Friedrichsen, Engineer with Dakota Environmental using the visual of the site plan described where the building additions were needed and noted the design would use existing buildings and keep the set-up efficient. Board member Darrell Nelson asked if the current manure handling system would handle the expansion without any adjustments. Mr. Friedrichsen stated, "Yes it will." Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board. Board member Lee Ann

Pierce asked the applicant and Mr. Haugen if there had been any spill issues in the past. Mr. Haugen noted he had not received any letter from DENR regarding any issues on the site. Board member Kimberly Elenkiwich asked if the townships had replied. Mr. Haugen noted that Volga Township had replied that they had no issue with the request and no comments were received from Oslo Township, Brookings County Highway Department or Kingbrook Rural Water. He also noted that adjoining landowner replies from Jerry Nelson and Jeraldine Weincht had been posted on the county website and noted that they had no opposition to the requests. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Robbins-aye. 9-ayes,0-nays, motion carried.

Chair Robbins read **agenda item # 9: 2017var002: Old Tree Farms by Frido Verpaalen has made an application 2017var002 to the Brookings County Board of Adjustment, for a variance. Article 22: Section 22.01: Concentrated Animal Feeding Operation Regulations: Concentrated Animal Feeding Operation Control Requirements: # 6) Required Setback and Separation Distance. The property is described as: "S1470' of W1481.36' Exc S295' of E295' of W1248' in SW1/4 of Sec. 34, T110N, R51W (Volga Township)" ~~~ located at 46316 214th St, Volga, SD 57071.** Kimberly Elenkiwich moved to approve the variance request. Michael Vande Weerd second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Verpaalen has applied for variances to be 1,675 feet from a well located in the NE1/4 of Section 4, T109N, R51W located to the southwest of this operation, a variance of 965 feet and 2,475 feet from a well located in the SE1/4 of Section 33, T110N, R51W located to the west of his operation a variance of 165 feet. The required setback distance is 2,640 feet. The well in the NE1/4 of Section 4, T109N, R51W is on record in the South Dakota Department of Environment and Natural Resources Water Well Completion Report and the well located in the SE1/4 of Section 33, T110N, R51W is not on the report, meaning the well was dug before the reporting requirement." Mr. Haugen noted no objections were heard from the Townships, Highway Department or Kingbrook Rural Water. He then presented a visual presentation of the site. Chair Robbins asked Mr. Verpaalen or Mr. Friedrichsen for additional comments. Mr. Friedrichsen replied, "This is very similar circumstances to the previous one." Chair Robbins opened up for questions from the board. Board member Kimberly Elenkiwich asked if both wells noted were currently being used. Mr. Friedrichsen replied, "To best of our knowledge they are." Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 10: 2017cu003: Old Tree Farm by Frido Verpaalen has made an application, 2017cu003, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 11: Class A, B, C and D Concentrated Animal Feeding Operation. The property is described as: "S1470' of W1481.36' Exc S295' of E295' of W1248' in SW1/4 of Sec. 34, T110N, R51W (Volga Township)" ~ located at 46316 214th St, Volga, SD 57071.** Randy Jensen moved to approve the conditional use request. Darrel Kleinjan second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Verpaalen would like to expand his Class "A" Concentrated Feeding Operation (CAFO) dairy from 2,540 animal units of dairy cattle, to 3,155 animal units of dairy cattle, an expansion of 615 animal units. He currently is permitted for 2,540 animal units consisting of 1,750 mature cows and 150 calves. The proposed expansion would consist of the following breakdown: 1,625 mature cows, 500 heifers and 450 calves (below 400 pounds) for a total of 3,155 animal units. The expansion would decrease his mature cows by 125 and increase his replacement heifers (500) and calves (450) by keeping them on site. He is currently not keeping his replacements on site, which he would now like to do. To accommodate the expansion he would add onto his existing free stall barn and construct a new calf barn." He also noted: 1) The site was not located in Wellhead protection area Zone "A" or "B" and is not located in the floodplain. 2) An engineer's report from Dakota Environmental Inc and conditional use application met all requirements required per "Article 22: Section 22.01: Concentrated Animal Feeding Operation Control Requirements # 8. 3) The Zoning Office reviewed documents and made a site visit to the proposed location. Mr. Haugen then presented a visual presentation of the site. Chair Robbins noted Mr. Verpaalen and Mr. Friedrichsen were already seated at the podium and asked them for additional comments. Mr. Friedrichsen noted the actual physical modifications would be to the existing barn and the addition of a new proposed calf barn. He also stated, "Both would utilize the existing manure handling system, liquid for the barn addition and the new barn would mostly be handled as a solid." He further noted the existing pond storage was good and in regards to the arrangement of the animal units, experience had shown the applicant that 1625 mature head was the capacity the existing parlor could handle. And the change in animal units would allow for having replacement stock on site. Chair Robbins opened up for questions from the board. Board member Darrell Nelson asked, "Were there any changes to the manure management plan?" Mr. Friedrichsen stated, "This was submitted to the DENR on November 30, 2016. Mostly it was just going over the same things – verifying that the storage volumes were adequate for the increased numbers and modifying the nutrient management plan." Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Nelson-aye, Kleinjan-aye, Vande

Weerd-aye, Spence-aye, Jensen-aye Pierce-aye, Rochel-aye, Elenkiwich-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 11: 2017cu001: Ryan Winter has made an application, 2017cu001, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The property is described as: "SE1/4 Exc. H-3 & H-4 of Section 18, T109N, R49W (Trenton Township) -- located at 21675 473rd Ave, Brookings, SD 57006.** Michael Vande Weerd moved to approve the conditional use request. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Ryan Winter has applied for Conditional Use #4. The original mining and crushing permits for the facility were issued to Butch Oseby on June 7th, 2005. Robert Winter took over the operation and was issued a mining permit 2015cu001 on March 5th, 2015. The permit was for a 2 year period and will expire on March 5th, 2017. Ryan Winter has applied for a conditional use to continue the mining, as a permanent operation. They operate a family cement business, with mixing plants around the area and in Brookings. The home office is located in Crooks. The Winter's have finished constructing the berms, seeded them down, planted trees on top of the berms and controlled the weeds on the property since they took over the operation. They would like to continue the operation on a permanent basis and follow the original reclamation site plan with the original homestead and 4 additional 35 acre lots on the property." Mr. Haugen presented a visual presentation of the site and noted that letters had been sent to adjoining landowners, Trenton Township Chairman and Clerk, Brookings County Highway Department and the South Dakota Department of Transportation and public notice had also been published in the Brookings Register. Chair Robbins asked Mr. Winter to come forward and address the board. The applicant identified himself as Ryan Winter and stated, "We are trying to keep reclamation to the south and excavating and bring out materials, trying to keep aggregate materials to the center of the property so that they are accessible." He noted a problem area and how they were handling issues. Board discussed drainage area of concern (waterway in northwest corner), berms and length of mining operation at the site. Mr. Winter noted they were continuing to work on drainage area of concern and a berm would be placed on the inside of the waterway. Mr. Haugen noted he had made site visits and they had made progress to the area of concern. Mr. Winter stated, "We are looking at operating and mining the site for 10 years." Chair Robbins asked for additional questions or comments from the board, hearing none he opened up to the audience. Kevin Telkamp came forward to address the board. He noted he lived directly east of the mining site. He read a statement regarding his past concerns with weed problems, noting the situation had improved but that he still had issues and concerns and asked the board to consider addressing the concern. Chair Robbins asked for additional comments from the audience, hearing none he asked the board for additional questions or comments. The board discussed the weed issue, reviewed photos taken in the past by Mr. Haugen and discussed putting a time limit on the conditional use (valid for 4 years). Luke Muller from First District Association of

County Governments was also consulted by the board during the discussion. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 12: 2017cu002: Ryan Winter has made an application, 2017cu002, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 5 A: "Rock crushers". The property is described as: "SE1/4 Exc. H-3 & H-4 of Section 18, T109N, R49W (Trenton Township) ~~ located at 21675 473rd Ave, Brookings, SD 57006.** Lee Ann Pierce moved to approve the conditional use request. Darrell Nelson second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "The original mining and crushing permits for this facility were issued to Butch Oseby on June 6th, 2005. Robert Winter took over the operation and was issued a crushing permit 2015cu002 on March 5th, 2015. The permit was for a 2 year period and is set to expire on March 5th, 2017. Ryan Winter is applying for a conditional use permit to continue crushing, as a permanent operation." Mr. Haugen gave a brief site report using visuals. Chair Robbins asked Mr. Winter to address the board and add any additional comments. Mr. Winter stated, "We try to keep the crushing operation in the center of the property so that it is easier to get to and all the trucks can get loaded and back out past the scale house." Chair Robbins opened up for questions from the board. Board member Darrell Nelson asked, "Will you be crushing concrete as well as gravel and rock?" Mr. Winter noted at the current time they hadn't been but maybe sometime in the future, for right now they are just doing the washing operation and would continue to do so. Mr. Haugen noted that they were limited in the previous conditional use to just aggregate to be resold and or clean clay. And, if they desired to add concrete crushing at a later date, they would have to reapply and things would need to be amended. Chair Robbins opened up for discussion from the audience, seeing none, he asked for further discussion from the board. Chair Robbins asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins noted there were no consideration of plats and read **agenda item # 14: Department Reports.** Mr. Hill announced there was a new County Commissioner (Mike Bartley). He also noted: 1) The Deputy States Attorney is reviewing the Administrative Plan with the possibility of having things ready for review at the next zoning meeting. 2) First Planning District had given a report to the County Commission and support from First Planning District would continue in 2017. Mr. Hill then went over his upcoming schedule. Luke Muller briefly discussed his updates to the Lake Park District section of the ordinance and also mentioned signage regulations. All areas are still under review at this time. Mr. Haugen noted

that he would be setting up a meeting with the Lake Park subcommittee in the coming weeks to continue the review of the ordinance section.

Chair Robbins asked for a motion to adjourn. Michael Vande Weerd made a motion to adjourn the meeting, Terrell Spence second. Chair Robbins called for a voice vote. 9-ayes, 0-nays.

Chair Robbins adjourned the meeting at 9:09 PM.

Rae Lynn Maher
Brookings County
Development Department.