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### **January 2<sup>nd</sup>, 2018 Minutes**

Brookings County Planning & Zoning Commission  
January 2<sup>nd</sup>, 2018 – 7:00 PM  
Brookings City & County Government Center  
310 Chambers

Vice Chair Elenkiwich acting as Chair called the meeting to order at 7:04 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Randy Jensen, new board member Michael McHugh and alternate board members Tom Davis and Roger Erickson. Michael Vande Weerd was absent.

Chair Elenkiwich read **agenda item # 2: Approval of minutes from December 5th, 2017 meeting.** Darrell Nelson moved to approve the minutes. Terrell Spence second. Chair Elenkiwich called for a voice vote. 9-ayes and 0-nays, motion carried.

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

Chair Elenkiwich 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 Elenkiwich read **agenda item # 5: Approval of Agenda.** Robert Rochel moved to approve the agenda. Randy Jensen second. Chair Elenkiwich called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 6: Election of Officers for 2018.** Chair Elenkiwich asked the nominating committee of Terrell Spence and Darrel Kleinjan for name(s) for the election of chairman. Mr. Kleinjan announced that Robert Rochel expressed interest. Chair Elenkiwich opened up for nominations for chairman from the floor and asked three times if there were any other nominations for chairman. Lee Ann Pierce moved that nominations cease and cast a unanimous ballot for Robert Rochel as chairman. Darrell Nelson second. Chair Elenkiwich called for a voice vote, 9-ayes and 0-nays, motion carried.

Acting Chair Elenkiwich then turned the meeting over to new Chair Rochel. Chair Rochel opened up for nominations for vice chair. Mr. Spence, of the nominating committee nominated, Kimberly Elenkiwich for vice chair. Chair Rochel asked three times if there were any other nominations for vice chair. Lee Ann

Pierce moved that nominations cease and to cast a unanimous ballot for Kimberly Elenkiwich for vice chair. Tom Davis second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 7: 2016var026: Steve Scherer has made an application, 2017var026, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 37 DeBoer's Lake Tetonkaha West Subdivision in SE ¼ of Section 7, T111N, R51W (Oakwood Township)" -- located at 55 Oakwood Shoreline Dr, Bruce, SD 57220.** Darrell Nelson moved to approve the variance request. Kimberly Elenkiwich second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Scherer has applied for a lake front variance to build an 18 feet X 23 feet deck on the east side of his residence (lake side) 19 feet from the high water mark, a variance of 56 feet, the required setback is 75 feet. He also noted: 1) the lot was irregular shaped - width of 66.7 feet wide on the west side and 63.21 feet on the lake side (east side) and lot lengths were 80 feet on the north side and 112 feet on the south side. 2) Mr. Scherer was granted a variance on April 4<sup>th</sup>, 2006 to build the house in the current location 21 feet from the road and 35 feet from the high water mark. 3) The cabin sits 10 feet above the water on the lake side. 4) DeBoer Lake Tetonkaha West Subdivision was platted on June 24, 2003. 5) Public notices had been published in the Brookings Register and Volga Tribune. 6) Adjoining landowner's, and the Oakwood Chairman and Clerk had been sent letters and no comments were received." Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Steve and Eileen Scherer to come forward and address the board. The applicant identified himself as Steve Scherer and stated, "This property I own is on Oakwood Lake and when you walk out the door there is a pretty good slope and we would like to have a deck out the back door." Chair Rochel opened up for questions from the board. Board members Davis, McHugh, Pierce, Elenkiwich and Nelson asked questions/discussed: 1) location in relation to other structures on the neighboring property. 2) If the view the neighbors would have of the lake would be impaired. 3) Why requesting another variance as prior one was granted in 2006 for the current home. 4) Option of building a concrete pad (no need for a variance) vs. a deck. 5) Distance pillars would be from the house. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience. Bill Sampson came forward and noted that his brother Pete owned a cabin on the adjoining property and their view would be impeded. He stated, "When it (our cabin) was built, it was built to all the ordinances and setbacks and we only have an 8 (eight) foot deck off on the lake side of the property. Off from our deck we would be able to see over the deck Scherer is trying to build but from the walk out area there all we would see is deck. That is basically our concern." Chair Rochel asked for additional comments from the audience, hearing none he asked Mr. Scherer to come forward to address the concern brought up by the neighbor. Mr. Scherer noted it was the first time it was mentioned to him. Eileen Scherer further noted that views were limited due to everyone living in a straight line in the area. Chair Rochel asked for additional

comments from the board. Board members Nelson, McHugh, Pierce and Rochel discussed: 1) location of septic system 2) lots in the area all being small and similar in size. 3) The granting of a variance in the past to build the existing structure. 4) 75 foot setback is in place to protect the lake. Chair Rochel 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 Rochel called for a roll-call vote: Elenkiwich-nay, McHugh-nay, Nelson-aye, Kleinjan-nay, Davis-nay, Spence-nay, Jensen-nay, Pierce-nay, Rochel-nay. 1-aye, 8-nays, motion failed.

Chair Rochel read **agenda item # 8: Approval of Findings of Facts for denied variance-2017var027 by Thomas Bozied.** Mr. Haugen presented the findings of facts and they were placed on file.

Chair Rochel read **agenda item # 9: Approval of Findings of Facts for denied variance-2017var029 by Harris Hoistad.** Mr. Haugen presented the findings of facts and they were placed on file.

Chair Rochel read **agenda item # 10: Approval of Findings of Facts for denied variance-2017var030 by Darrell Renken.** Mr. Haugen presented the findings of facts and they were placed on file.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 11: 2017cu020: Wendy Hanson has made an application, 2017cu020, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13:00 "LP" Lake-Park District: Section 13.01: Conditional Use Permit # 2: Private parks and camp grounds. The property is described as: "Lot 1 of Kapanke Subdivision, Exc. Twister's Addition & Exc. Lot H-1 in E1/2 NW1/4 of Section 6, T112N, R52W (Laketon Township)" ~ located at 45441 S. Lake Dr., Arlington, SD 57212.** Chair Rochel then noted the item had been tabled from the December 5<sup>th</sup>, 2017 meeting and asked for a motion to remove from the table. Tom Davis moved to take from the table. Terrell Spence second. Mr. Haugen stated, "The applicant called and emailed the office this morning, he had a conflict this evening and is not able to be here. He would like to have the item postponed until the March meeting as he is also gone for work in February. I would ask for a motion to postpone agenda #11 until the March 6<sup>th</sup>, 2018 meeting." Darrell Nelson made a motion to postpone the item until the March 6<sup>th</sup>, 2018 meeting. Darrel Kleinjan second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 12: 2018cu001: Norfeld Colony by Joseph Stahl has made an application, 2018cu001, 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: "NW1/4 Sec. 14, T111N, R48W and SW1/4 Sec. 14, T111N, R48W (Sherman Township)" ~ located at 20452 482<sup>nd</sup> Ave, White, SD.** Randy Jensen moved to approve the conditional use request. Darrell Nelson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Norfeld Colony has applied for a Class "A" Confined Animal Feeding Operation (CAFO) for a swine nursery/finishing operation consisting of 4,800 head (1,920 animal units) of finishing swine (pigs) that weigh more than 55 pounds. The

combined animal units would be 480 animal units of nursery swine and 1,920 animal units of finishing swine for a total of 2,400 animal units for a Class "A" swine nursery/finishing CAFO. He further noted: 1) The prior approved 2016cu002 from March 1, 2016 for a Class "B" CAFO farrow to feeder pig swine operation would not be pursued if the new application passed and instead the proposed Class "A" CAFO nursery/finishing swine facility would be built. 2) The proposed site plan featured a nursery barn, two (2) finishing barns and an office. 3) The barns would each have 8 feet deep pits below for manure storage and would be pumped out on an annual or semiannual schedule. 4) Site would not be located in Zone "A" or Zone "B" according to the "First Occurrence of Aquifer Materials in Brookings County, South Dakota" Map. 5) An engineer's report was completed by Brian Friedrichsen from Dakota Environmental, Inc., met all the criteria and was on file. 6) If the proposed nursery/finishing CAFO was approved, the South Dakota Department of Environment and Natural Resources would then combine the turkey and swine operation into one permit. 7) The Class "B" feeder to finish swine operation located at 20671 482<sup>nd</sup> Ave, White, SD 57276 (2 ½ miles south of the main farm) would no longer use the nursery barn at that location if the proposed permit was approved. 8) Public Notices were published in the Brookings Register and White Tri-City Star. 9) Letters were sent to adjoining landowners, Sherman Township Chairman and clerk, Brookings County Highway Department and Brookings-Deuel Rural Water. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Mr. Stahl to come forward and address the board. Jim Stahl came forward, identified himself and stated, "I think Richard explained everything pretty clear but I wanted to say the reason we are changing the permit is because of sow disease pressure in the area, because there is a lot of sows in the county. We would rather go to wean to finish." He also noted that if approved they would need to purchase another 120,000 bushels of corn, bring the total to 360,000 bushels. Chair Rochel opened up for questions from the board. Board members Nelson, Pierce, Davis and Rochel discussed: 1) the feed and processing of 2) location of the Class "B" that is in operation and changes to the structure and animal units at that location 3) buildings with pits, the manure handling and odor control 4) planting of trees with a required minimum of 4 rows 5) heating of the buildings. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience reminding of the 5 minute time limit. The following came forward: 1) Scott Underwood – concern with setback/distance from the residents of the colony and an adjoining landowner. 2) Alan Nelson – noted he was an adjoining landowner and had concern with odor, traffic and airborne disease/germs. 3) Catherine Carter – concerned with phosphorus content noted in the plan and encouraged to require trees to be planted on all sides of the facilities. She also questioned setback regulations in regards to the colony setting. 4) Kyle Schuman of Standard Nutrition noted they were an industry partner with the colony. He discussed the benefits of deep pits and products added to the feed that benefit the pigs and the environment. Brian Friedrichsen addressed concerns and noted: 1) an odor footprint tool had been run and the odor footprint would be less than that of the plan that had been previously approved for the site. 2) Nutrient management plan regarding phosphorus - Levels would be monitored annually and records would be kept and reviewed by DENR personnel. 3) CENTROL would

be doing the soil testing. Chair Rochel asked the staff to address the concern from Catherine Carter regarding minimum setbacks to residences of the applicant. He inquired, "Anyone that has built an animal confinement we have never required a setback from their residence for the animal confinement building?" Mr. Hill stated, "That is correct. The applicant, we do not apply the setbacks to the applicant's residence. We never have." Chair Rochel next addressed the comment regarding trees. Board members discussed requiring trees on the west and south sides of the confinement site. Chair Rochel asked if the board had additional questions. Board members Nelson and Spence directed questions to Mr. Friedrichsen regarding: 1) manure plan that was in the Engineer's report and the nutrient requirement and yields predicted for 5 years 2) Odor assessment tool. 3) Acres noted in nutrient management plan – net vs gross acres. Mr. Friedrichsen addressed the questions: 1) spreadsheet was new this past year and yield goals were indexed to soil types 2) SDSU model was used Mr. Hill added an additional comment stating, "There is no odor footprint model officially adopted per say in the state of South Dakota." Chair Rochel noted that odor footprint was an inexact science and hard to measure. 3) 2,502 acres were net acres. Chair Rochel 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 Rochel called for a roll-call vote: Elenkiwich-aye, McHugh-aye, Nelson-aye, Kleinjan-aye, Davis-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 13: Consideration of Plats:** Noting none.

Chair Rochel read **agenda item # 14: Department Reports.** Chair Rochel asked Mr. Haugen for a report. Mr. Haugen noted: 1) work session would be held on Thursday, January 18<sup>th</sup> at 7 PM. 2) the third Thursday of each month thru April had been reserved for work sessions (dates would be February 15<sup>th</sup>, March 15<sup>th</sup> and April 19<sup>th</sup>). 3) Public hearing - Feb. 6<sup>th</sup>, 2018 to go over Administrative section and transferability of conditional use verbiage. 4) Date and time for Ag subcommittee to meet to review section of the ordinance with legal counsel and Luke Muller. Request from board member Pierce for Mr. Muller to look into the transferability of conditional use permits – how many counties in S.D. that conditional use permits are automatically transferable or not and sample language used in the ordinance and have available for the January 18<sup>th</sup>, 2018 work session. Mr. Hill welcomed new board member McHugh and completed an introduction of board members and staff. He then reported on bylaws and tentative changes that are needed such as a severe weather option along with reformatting of the bylaws.

Chair Rochel adjourned the meeting at 9:27 PM.

Rae Lynn Maher  
Brookings County  
Development Department