

BROOKINGS COUNTY DEVELOPMENT DIRECTOR  
BROOKINGS CITY & COUNTY GOVERNMENT CENTER  
520 3rd Street, Suite 200  
BROOKINGS, SOUTH DAKOTA 57006  
(605)-696-8350  
ROBERT W. HILL  
TELEPHONE (605) 696-8350  
FAX (605) 696-8355  
E-MAIL: [zoning@brookingscountysd.gov](mailto:zoning@brookingscountysd.gov)

**March 22nd, 2018 Minutes**

Brookings County Planning & Zoning Commission  
March 22nd, 2018 – 7:00 PM  
Brookings City & County Government Center  
310 Chambers

Chair Rochel called the meeting to order at 7:02 PM. Commission members present were: Lee Ann Pierce, Michael McHugh, Kimberly Elenkiwich, Darrell Nelson, Terrell Spence, Randy Jensen and alternate board members Tom Davis and Roger Erickson. Board member Darrel Kleinjan arrived after meeting started (arrival is noted). Absent was: 1 Board member District 2.

Chair Rochel read **agenda item # 2: Approval of minutes from February 6th, 2018 meeting.** Terrell Spence moved to approve the meeting minutes. Michael McHugh second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff.** No items were added.

Chair Rochel 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 Rochel read **agenda item # 5: Approval of Agenda.** Chair Rochel announced there would be a change in agenda items due to needing to wait with some items until board member Kleinjan arrived. Agenda item #12 would be heard first, followed by agenda items #7 and #9 and then #8. Chair Rochel noted upon Kleinjan's arrival board would stop, table item and move to agenda item #6 and continue in order thereafter. Lee Ann Pierce moved to approve the agenda. 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 Planning and Zoning Commission" read the opening statement and **agenda item # 12: Consideration of Plats: a. 2018plat001: "Plat of Brookings Substation 2nd Addition a replat of USBR Brookings Substation and an unplatted portion of land located in SW1/4 of the NW1/4 and NW1/4 of the SW1/4 of Section 1,**

**T110N, R50W, of 5th P.M. Brookings County, South Dakota.** Darrell Nelson moved to approve the plat. Randy Jensen second. Chair Rochel opened for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "The Western Area Power Administration (WAPA), a Federal Governmental Agency, is expanding their existing electrical substation located on 471<sup>st</sup> Street (Medary Ave) North of the US Highway 14 By-Pass." He noted: 1) Proposed Lot 1 would contain 3.790 acres and Lot 2 would contain 8.637 acres. 2) The proposed lots would expand the existing substation to the east and south. 3) The current land was owned by two different owners and the land use was farming, crop production. Mr. Haugen used visuals to describe the plat. Mr. Haugen also noted that he would be representing the applicant. Chair Rochel opened up for questions from the board. Board member Nelson asked if the access would remain the same. Mr. Haugen noted access would remain the same, using access off 471<sup>st</sup> Ave. Chair Rochel opened up for additional questions from the board, hearing none he asked for questions from the audience, seeing none. Chair Rochel once more asked the board for questions or comments, hearing none he called for a roll-call vote: McHugh-aye, Elenkiwich-aye, Nelson-aye, Davis-aye, Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel noted the board would move to agenda item #7. Board member Mc Hugh recused himself at this time.

Chair Rochel then stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and read **agenda item # 7: 2018var001: Gene P. Wilts of Joint Well Field Inc. has made an application, 2018var001 to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "BDK Wellfield #1 Tract N1/2 NE1/4 Tract #4 in NE1/4 NE1/4 Section 25, T112N, R51W (Preston Township)" ~ located at 20007 466<sup>th</sup> Ave, Bruce, SD 57220.** Roger Erickson moved to approve the variance request. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Gene P. Wilts on behalf of Joint Well Field Inc. has applied for a front yard variance to place a standby generator on a 21' x 12' concrete pad. The concrete pad will be 106 feet from 200<sup>th</sup> Street, a variance of 27 feet and 147 feet from 466<sup>th</sup> Ave (Brookings County Hwy 7) a variance of 3 feet." He noted: 1) Brookings-Deuel Rural Water's treatment plant and backwash ponds were located on the site. 2) The new generator would not fit in the existing building and year round access to the generator was needed for fueling. 3) The generator would be used as a standby power source in the event of an electrical power outage to provide a constant supply of water for their customers. 4) Hardships: location of water lines, electrical service, building and ponds limiting area available. 5) Public notices were published in Brookings Register on March 6<sup>th</sup> and 13<sup>th</sup>, 2018 and in the Volga Tribune on March 8<sup>th</sup> and 15<sup>th</sup>, 2018. 6) Letters were sent to adjoining landowners, Preston Township Chairman and Clerk, Eureka Township Chairman and Clerk, and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Mr. Haugen noted that Preston

Township had called the zoning office and had no issue with the variance request. Chair Rochel asked Mr. Wilts to come forward and address the board. Mr. Wilts identified himself as the General Manager of Brookings-Deuel Rural Water and stated, "The Joint Well Field treatment plant is also owned with Kingbrook Rural Water and we are the system that manages it. We are doing some upgrades at the plant and one of them is changing out the generator that is too small. The generator will not fit in the existing building so we would like to set it on a concrete pad in the area. The piping around the building, water lines and access required limit the area the generator and pad could be placed." Chair Rochel opened up for questions from the board, hearing none. Chair Rochel opened up for discussion from the audience. Hearing none he asked for further questions or comments from the board. Seeing none Chair Rochel called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Davis-aye, Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye. 8-ayes, 0-nays, motion carried. Mr. Haugen then noted he needed to go over the findings of facts, he proceed to go over with any additions, which are on file.

Chair Rochel stated, "We are now going to act as the Brookings County Planning and Zoning Commission" and began reading the opening statement. Board member Darrel Kleinjan arrived (7:25 pm) and Chair Rochel noted the board would go back to the Board of Adjustment. Alternate board member Davis stepped down and Darrel Kleinjan took the seat and McHugh resumed his seat.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" and read the opening statement. Board members Pierce and Jensen recused themselves and alternate Davis was also recused. Chair Rochel noted that there were seven members that would be able to vote and then read **agenda item # 6: Administrative appeal filed in accordance with SDCL-11-2-55. The application was filed by Jason Bowes; heard on Tuesday, February 6th, 2018 and postponed. The applicant appeals the administrative decision made on December 5th, 2017 by Robert W. Hill, Development Director/Zoning Officer for Brookings County that Conditional Use Permit 2005cu019 ("A" Agricultural District Conditional Use # 4: Sand, gravel or quarry operation, mineral exploration and extraction) issued to L.G. Everist, Inc. on October 4th, 2005 by the Brookings County Planning and Zoning Commission, had not expired due to non-use. The property is described as: Lots 3 & 4 and the S1/2 of the NW1/4 of Section 5, T109N, R49W (Trenton Township).** Michael McHugh moved to approve as read. Roger Erickson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen noted this was an administrative appeal. Chair Rochel asked that Mr. Hill come forward and address the board. Mr. Hill introduced himself and asked if the board had any questions regarding the letter he had signed on December 5<sup>th</sup>, 2017. Hearing no questions Chair Rochel dismissed Mr. Hill and called Mr. Bowe's representative forward. The representative came forward and identified himself as Mike Schaffer an attorney from Sioux Falls that was representing the appellant. He noted that Mr. Eric Rasmussen had originally filed the appeal under Bowes Construction Inc. which was amended to Bowes Peterson LLC. Mr. Schaffer gave a brief history noting that on Oct. 4<sup>th</sup>, 2005 a conditional use permit was granted to L.G. Everist

for Section 5 in Trenton Township. He then referenced documents that had been sent to board members: Exhibits 1, 2, 3 and 26. Mr. Shaffer made a presentation referencing visuals and displaying exhibits in order as follows: Exhibits 14, 3, 14, 2, 19, 19A - was handed out during meeting to board members, 22, 23, 21, 25, 24, 21. Mr. Schaffer then called forward the following to further add comments supporting the appeal (that CU permit was invalid): Brad Wermers, Daryl Englund, Jason Bowes and Lyle Bowes. Exhibits referred too during Wermer's comments: 13-18 & 19A. Exhibits referred too during Jason Bowes's comments: 31 & 30. And Exhibit 31 was referred too during Lyle Bowes's comments.

Chair Rochel then asked a representative from L.G. Everist to address the board. Sander Morehead an attorney from Woods, Fuller, Shultz and Smith came forward and identified himself and stated that he was representing L.G. Everist. Mr. Sanders noted it was an appeal and appellant needed to be the only one to comment and needed to justify harm was being done specifically to them. He went on to note that Mr. Hill's letter was what was before the board – whether or not L.G. Everist used the conditional permit within the 3 year window. Mr. Morehead referenced the packet that had been provided to each board member and the zoning officer prior to meeting night. He referred to the following exhibits: 1, 2, 4 and 11. Mr. Morehead presented additional exhibits (84, 85, 86 & 88) to the board during the meeting. Mr. Morehead then had Dennis Fields, an employee of L.G. Everist's further verify information that he had presented.

- *Note: All prior and new exhibit materials referenced to during the meeting are on file in the County Development Office.*

Chair Rochel called for a 10 minute recess at 8:55 PM to allow board member time to review material submitted during the meeting. Board reconvened at 9:05 PM.

Chair Rochel opened up for questions from the board for either side. Hearing none he opened up the public hearing portion noting a time limit of 5 minutes per person. Mr. Morehead came forward and stated, "I understand you are going to allow public comment, we have explained in our submissions why at this stage what's happening is an adjudicated process, not a political one where again we are asking that the rule be followed and it be the parties and the county and not the public at large commenting on this. That's our objection." Chair Rochel stated, "Initially that was my understanding also, but from what I understand from the way it was published in the paper we are required to take public input." Chair Rochel asked for the proponents (in favor of Bowe's position) come forward first and the opponents to follow reminding of the 5 minute time limit per person. The following members of the audience (proponents) came forward and addressed the board: 1. EBBIA representatives Carla Gatzke and Tom Richter. The proponents/supporters of the appeal noted the following: 1) EBBIA (East Brookings Business and Industry Association) recommended CU permit be invalid and a moratorium be put in place on the issuance of any future mining permits until the Brookings County Planning Commission has conducted its annual review as called for in the 2016 plan and Brookings County Citizens have had an opportunity to comment. 2) CU be invalid or denied and a new application be filed with a

reclamation plan for the future (for area east of the interstate) using the new regulations versus those that were in place in 2005.

Chair Rochel interjected during the public comments with the following statement, "This is a hearing on the merits of a decision made by Robert W. Hill, not the merits of the conditional use permit itself granted on October 4<sup>th</sup>, 2005. All other individuals not party to this matter will be given the chance to speak because it was published in the paper that way but time will be limited to 5 minutes per individual." Chair Rochel then asked for anyone else that wished to talk in favor to come forward. Following Chair Rochel's statement the following came forward: Fred Weekes (Major of Aurora), Nick Schmeichel, Tom Richter, and Corey Friedrich. They expressed: 1) concern for safety in the area of 214<sup>th</sup>/20<sup>th</sup> St S, 2) mineral exploration or extraction needed to occur to make permit valid, 3) opinion that no mining had occurred. Chair Rochel asked for any more proponents, seeing none he called for opponents to come forward, seeing none he asked for questions from the board. Board member Spence stated, "We have heard a lot of information here tonight and seen a lot of information. Am I correct in thinking though that we are supposed to be looking at the decision of Mr. Hill essentially? And regardless of all the other information, that is beyond the scope of what we are supposed to be hearing. Also was there a question of the validity of this commission actually hearing this?" Chair Rochel stated, "When we vote as a board a vote yes would be a granting of the applicants appeal and a no would be a denial of the appeal of the applicant. Everything else, like I read before, this hearing is on the merits of the decision made by Mr. Hill, not the merits of the conditional use permit itself. We heard a lot of testimony tonight and were initially looking to exclude anything that was outside of that, but because it was advertised in the paper we have listen to proponents and opponents. We have given the audience that opportunity, but again when we vote as a board a yes would be granting of the applicants appeal and a no would be a denial of the applicants appeal." Chair Rochel asked if the board had any questions for either side. Board member McHugh addressed a question to Mr. Schaffer related to cases that were cited being only real estate related and not mineral, oil or gas related. Mr. Schaffer noted that he could not find any. Chair Rochel asked the board for further discussion. Board members McHugh, Kleinjan and Spence discussed what would constitute mining and activity noted in the 3 year timeline. Board member Kleinjan asked that Mr. Hill come forward and explain why he made the decision he did. Board member Kleinjan's direct question to Mr. Hill, "On what facts did you base your decision that the permit was still valid?" Mr. Hill noted: 1) The 1997 Zoning Ordinance was used. 2) Initially thought no activity occurred and directed Richard to send a letter out. 3) Received correspondence and paperwork from the permit applicant/owner (L.G. Everist) and reviewed it. 4) They had a state permit when it was issued. 5) Both the conditional use permits for the north (Section 32) and south side (Section 5) were heard at the same time and it was specifically designed and it was understood that the road would link the north property and south property – It was heard as an overall plan on both sides. 6) Other information came from State website on mining. 7) Other people were consulted including Mr. Lyle Bowes. 8) Since the time he (Mr. Hill) began working as Director in the Planning and Zoning Department in 2003. If a

conditional use was issued and if the applicant started working during that 3 year time period then we allowed the conditional use permit to continue on. If no action before the 3 year mark then it was considered null and void. Board member Kleinjan inquired if the paperwork constituted work? Mr. Hill stated, "The fact that there was a permit at the State and two conditional use permits were issued at the same time. The two permits were issued separate, due to different legal descriptions but the project covered both the permits as one." Chair Rochel asked the board for further questions or comments, hearing none he read the following statement: "When we vote as a board a yes would be a granting of the applicant's appeal, a no will be a denial of the applicant's appeal." Chair Rochel asked for a roll-call vote: McHugh-nay, Elenkiwich-nay, Nelson-nay, Kleinjan-nay, Erickson-nay, Spence-nay, Rochel-nay. 0-ayes, 7-nays, motion failed.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item #8: 2017cu020: Postponed from January 2<sup>nd</sup>, 2018 Meeting: 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.**

Kimberly Elenkiwich moved to take from table. Darrell Nelson second. Mr. Haugen stated, "This is a conditional use permit that we tabled from the January 2<sup>nd</sup>, 2018 meeting requesting more information from the applicant. A variance was approved at the January 2018 to reduce rear setback to 25 feet." He then read the list of items that Mr. Hanson was to address being as follows: 1) *Check on State requirements with the SD Department of Health – if a restroom and or bath house facility is required for the type of camp ground you are proposing and if so the number of toilets and/or showers that are required.* 2) *What the state requirement is for camping site sizes for your type of a proposed camp ground.* 3) *A revised plan to include: number, location and size of each site and the proposed landscaping to the area including a list of trees, shrubs or other items to be used in landscaping of the area.* 4) *Plan of operation – identifying set time limit of when campers would be on site (months, days, etc.), Daily hours of operation with possible quiet time noted.* 5) *Garbage service and grounds maintenance identified.* 6) *Sample lease agreement(s)* 7) *Security plan – noting lighting, severe weather shelters, emergency plans.*

Chair Rochel asked for a motion to remove from table so that it could be discussed. Mc Hugh made a motion to take from table. Elenkiwich second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried. Chair Rochel asked the applicant to come forward and address the board. The applicant identified himself as Jeff Hanson, husband of Wendy Hanson and stated, "This is a piece of property that is for the large part vacant and fairly rough, rough to the point that it's even hard to maintain it. It is surrounded on 3 sides by agricultural land and on the front S Lake Drive, across from Lake Poinsett. He noted: 1) a small campground was near the site (about 100 feet away) and his proposed

campground would be similar. 2) Past uses of the property area he allowed the neighbors and never charged for consisted of the parking of docks, boat lifts, trailers, boats and cars. 3) He heard numerous inquiries for camping areas, thus noted a need for a campground area. 4) Proposal to level area and make camping pads level. Mr. Hanson went over the 7 (seven) points that he was asked to address. Answers to questions were as follows: (1) No restroom or bath house required by the state in long term campgrounds. (2) No state requirements for long term camping sites. (3) He noted his plan was for 11 sites – measuring 30 feet x 50 feet consisting of a 10 feet x 50 feet pad for parking camper on and a 20 feet x 50 feet green space, trees consisting of both evergreens and deciduous, each camp site would have its own electrical (metered), sewer, water hook up. (Board members were presented with a site plan). (4) Hours of operation don't apply as it is a long term, seasonal and would be open May 1 to October 1 and at the end of the time the campers would be removed from each site. (5) A dumpster would be on site, bugs would be sprayed and the area mowed. (6) Sample lease agreements - were presented to the board for review. (7) Security – Dust to dawn lighting currently on location and more could be added, a 400 square foot block building or an above ground shelter would be located in the area. Chair Rochel opened up for questions from the board. Board members Nelson, Erickson, Pierce and Davis further discussed the electrical hook up on each site, type of lots (back in not pull through), lighting of the area, number of storage units currently on the site, size of the trees that would be planted, security, quiet time, type of camper allowed, emergency shelter options, size and layout of campsites (specifically those of # 7 & 8) on the plan. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience. Those that came forward and voiced concerns regarding the permit were: Tim Pederson, Gary Isenberg, Ty Eschenbaum, Mark Fuhr and Larry Furney. The concerns expressed related to 1) traffic - speed limits, sight limits due to the location and angle of the driveway, parking congestion; 2) safety and security in and around the location; 3) potential drainage issue effects on surrounding farmland should site area be leveled off; 4) parking in the ROW; 5) noise concern. Chair Rochel asked for additional comments or questions from the audience hearing none. Mr. Hanson stated that in regards to the noise concern it is addressed in the lease agreement. Chair Rochel asked Mr. Hanson who the contact person would be and if it would be posted. Mr. Hanson noted that he would be a main contact and they would post and provide a list of contact information. Chair Rochel also brought up other concerns that were expressed and discussed with Mr. Hanson his plans for handling concerns that area neighbors had expressed. Luke Muller from First District suggested that in the findings of facts a requirement could be incorporated that the highway department would be consulted in dealing with plans for a better entrance/exit onto the property. Chair Rochel asked for additional comments from the board. Board member Elenkiwich asked if Mr. Hanson would be open to a quiet time and if so what would the plan be? Mr. Hanson stated, "On the weekends it would be 11 (eleven) at night and it would be stated so in the lease." Board member Pierce voiced concern with parking in the ROW in the area and around Smokin's stating, "Is there a safety issue that needs to be addressed with the parking for Smokin's because I have

listened to all these people talk and I think there is going to be some conversation somewhere else about safety issues along this road and my question to you is if the county enforced a no parking rule along that road because of the safety concerns are you going to have enough parking for your business if you don't use some of this campground area for parking? I do have a concern about whether or not the county needs to do something about parking along there." Mr. Hanson stated, "They can do whatever they need to do, if the parking lot at Smokin's is full they are as busy as they want to be. They can put up whatever signs they want, that is a separate issue from this campground." Parking options and areas were further discussed. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over findings of facts, with the additions, which are on file. Chair Rochel called for a roll-call vote: Nelson-aye, Kleinjan-aye, Erickson-nay, Spence-nay, Jensen-nay, Pierce-aye, McHugh-nay, Elenkiwich-aye, Rochel-aye. 5-ayes, 4-nays, motion failed.

Chair Rochel noted the time of 11:10 PM and Mr. Hill instructed the board had they had until midnight and to go ahead with remaining items on the agenda.

Chair Rochel read **agenda item # 9: 2018cu003: Corey Granum has made an application, 2018cu003, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11.00: Section 11.01 "A" Agricultural District: Conditional Use #20: "Home Extended Business". The property is described as: "S1/2 NE1/4, N1/2 SE1/4 of Section 35, T109N, R51W (Oslo Township)" ~~ located at 21943 465<sup>th</sup> Ave, Volga, SD 57071.** Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Granum has applied for a conditional use for a "Home Extended Business. The applicant has a farming operation and would like to add an extended home business." Mr. Haugen noted: 1) the business would consist of the sale and service of new and used "SnoBear" brand ice fishing vehicles and trailers. 2) Future plans as time allows to also sell used semi tractors. 3) An existing 40' x 80' building would be used as the sales and service center. 4) The applicant would be the salesman and mechanic performing the setup and service of the machines. 5) The hours of operation would be on call and by appointment and the applicant would need to get a dealer's license from the South Dakota Department of Revenue. 6) Public notices were published in the Brookings Register (March 6<sup>th</sup> & 13<sup>th</sup>, 2018) and Volga Tribune (March 8<sup>th</sup> & 15<sup>th</sup>, 2018). 7) Letters were sent to adjoining landowner's, Oslo Township Chairman and Clerk. Mr. Haugen noted a motion was needed. Darrel Kleinjan moved to approve the conditional use request. Kimberly Elenkiwich second. He then described the SnoBear equipment and presented a visual presentation of the site. Board member Pierce asked Mr. Hill a procedural/reference question regarding if the conditional use would also fall under Article 21.00 Extended Home Occupation rules. Mr. Hill noted that it would. Chair Rochel asked Mr. Granum to come forward and address the board. The applicant identified himself and stated, "I like to keep busy and don't have many cattle to feed in the winter anymore and I am interested in selling these SnoBears and have time in the winter to work on them. I would buy trucks from a big company and work on in the winter too and sell on the side." Chair Rochel opened up for questions from the board. Mr. Hill asked the applicant if he would have a used



car/truck license to sell trucks. Mr. Granum noted that he would. Chair Rochel asked for further comments from the board hearing none he opened up to the audience, hearing none. Board members Pierce and Rochel inquired as to: what Mr. Granum's main source of income was, the number of SnoBears and truck would be sold each year, storage and signage. Mr. Granum noted that he farmed, and would possibly sell 2-3 SnoBears and trucks each year. The items would be stored inside while being worked on and then displayed with signage outside at his location. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with additions, which are on file. Chair Rochel called for a roll-call vote: Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 10: 2018cu004: Travis Renkly has made an application, 2018cu004, 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: Block 1, Pickering Addition in the SE1/4 Section 4, T110N, R52W (Bangor Township)**". Darrel Nelson moved to approve the conditional use request. Roger Erickson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Travis and Josh Renkly have applied for a Class "C" Confined Animal Feeding Operation (CAFO) for a swine finishing operation consisting of 2,400 head (960 Animal Units (AU)). Travis and Josh farm with their father Dennis Renkly and the proposed structure would be located on land owned by Dennis Renkly." Mr. Haugen noted: 1) Plan showed a 101' x 193' finishing barn with an office and an area for designated rendering service pickup. 2) The barn would have 8 foot deep pits below the building for manure storage. 3) All setback requirements of: 150 feet from township road right-of-way, 1,320 feet from an existing residence or private well other than operator and 200 feet from adjoining property lines would be met. 4) The South Dakota Department of Environment and Natural Resources Well Completion Report showed no record of a well within the setback area of 1,320 feet. 5) Proposed building would not be located in the Zone "A" (Wellhead Protection Areas) or Zone "B" (remainder of the mapped shallow/surficial aquifer not included in Zone "A") 6) Applicant had contacted Kingbrook Rural Water as a source of water for the facility or a well may be drilled. 7) Zoning office had reviewed documents and made a site visit. 8) Public notices were published in the Brookings Register (March 6<sup>th</sup> & 13<sup>th</sup>, 2018), the Volga Tribune and Arlington Sun (March 8<sup>th</sup> & 15<sup>th</sup>, 2018) 9) Letters were sent to the adjoining landowners, Bangor Township Chairman and Clerk, Brookings County Highway Department and Kingbrook Rural Water. He then presented a visual presentation of the site. Chair Rochel asked the applicants to come forward and address the board. The applicants identified themselves as Josh and Travis Renkly." Josh Renkly stated, "We are looking at putting up a 2,400 head finishing facility at this location. I think we have found an area as far away as possible from any adjoining neighbors. The closest house was around 3,700 feet and it wouldn't be visible with hills around the area blocking the view. We farm with my dad and

Josh and I have come back to the farm and are looking for other ways to increase revenue and keep us on the farm.” Chair Rochel asked the applicants if they had raised hogs in the past and the applicants noted that they raised a few hundred head in the mid 1990’s. Chair Rochel opened up for questions from the board. Board members Nelson and Rochel discussed with the applicants 1) the feed preparation, 2) nutrient management plan, and 3) comments from neighbors. Josh Renkly noted 1) the feed would be supplied by the integrator they were working with, 2) they would receive the manure, had chosen locations close to the facility and the manure would be knifed in. 3) they had discussed with a few neighbors and had no issues. One location near the site was a rented place and they had not discussed with the current tenants. Chair Rochel asked Mr. Haugen if any comments had been received. Mr. Haugen stated, “We had an adjoining landowner call, send us a letter and I believe a representative is here this evening and will be coming up to speak.” He noted board members had been given the letter days prior to the meeting. Josh Renkly asked to comment on the letter. He noted the location the letter referred to was about a mile from the site location and no house was on the site, he had never seen anyone live on the site and the location referenced had been a cattle feedlot/livestock facility in the past. Board member Pierce noted the county ordinance required that the applicant participate in environmental training programs and become a certified livestock manager if it was available. She asked if the applicants were aware. Mr. Renkly noted, they had not received any training and if it was required they would do whatever needed to get done. Board members Rochel and Nelson discussed feed additives for odor control and the type of finish – wean to finish vs. feeder to finish with the applicants. Chair Rochel asked for further comments from the board hearing none he opened up to the audience. Kathy Nielsen came forward and noted that she owned the land west of the proposed hog confinement. She voiced her opposition to the location of the proposed confinement and was concerned with odor, number of operations in the area and future issues and would prefer it be another quarter of a mile away from her land. Chair Rochel asked for additional comments from the audience, hearing none he asked for additional questions or comments from the board. Board members further discussed with the applicants the site location, addition of trees, permit requirements for a Class C CAFO, if they had any future expansion plans, disposal plans for deceased animals, and inspection of facilities. Chair Rochel asked if the board had further comments and hearing none he asked if the audience had additional questions or comments. Kathy Nielsen came forward and noted that the board had received a letter from her son and he possibly wanted to build a house on land she owned. She further noted that she preferred that the Renkly’s build the facility farther north, another one half of a mile from her place (land). Chair Rochel asked the board for further comments and hearing none he asked Mr. Haugen to go over the findings of facts, with additions, which are on file. Chair Rochel called for a roll-call vote: Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Mr. Hill noted the time and instructed the board to continue and if needed the item could be tabled.

Board member Jensen recused himself and Davis took Jensen's seat on the board.

Chair Rochel read **agenda item # 11: 2018cu005: S & J Farms Inc. by James Pickard have made an application, 2018cu005, 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: NE1/4 Exc H-2 & Exc SE1/4 NE1/4 Section 14, T112N, R50W (Eureka Township)**". Darrell Nelson moved to approve the conditional use request. Tom Davis second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "James Pickard has applied for a Class "C" Confined Animal Feeding Operation (CAFO) for a swine finishing operation consisting of a 2,400 head (960 animal units)." Mr. Haugen noted: 1) Plan showed a 51' x 393.50' finishing barn and an area for designated rendering service pickup. 2) The barn would have 8 foot deep pits below the building for manure storage and will be pumped out on an annual or semi-annual schedule. 3) All setback requirements of: 150 feet from township road right-of-way, 1,320 feet from an existing residence or private well other than operator and 200 feet from adjoining property lines would be met. 4) Manure pit holding capacity of 910,000 gallons (sufficient for 365 days of storage) and a minimum of 200 acres needed for manure application, with 787 acres identified as available. 5) The South Dakota Department of Environment and Natural Resources Well Completion Report showed no record of a well within the setback area of 1,320 feet. 6) Proposed building would not be located in the Zone "A" (Wellhead Protection Areas) or Zone "B" (remainder of the mapped shallow/surficial aquifer not included in Zone "A"). 7) Zoning office had reviewed documents and made a site visit. 8) Public notices were published in the Brookings Register (March 6<sup>th</sup> & 13<sup>th</sup>, 2018). 9) Letters were sent to the adjoining landowners, Eureka Township Chairman and Clerk, Brookings County Highway Department and Brookings-Deuel Rural Water. He then presented a visual presentation of the site. Chair Rochel asked Mr. Pickard to come forward and address the board. The applicant identified himself as Jim Pickard, President of S & J Farms and stated, "We are requesting this request for hogs as it is a family investment." Mr. Pickard identified for the board the supplier of the pigs noting the supplier had strict regulations in regards to barns and feed. He also noted he had discussed the plan with all the neighbors in a one mile radius and they were all in support of the plan. Board Nelson asked Mr. Pickard about manure handling and if he had any expansion plans. Mr. Pickard noted the manure would be injected and some of the areas would be near his own residence. He further noted that at this time he had no expansion plans. Chair Rochel asked for further comments from the board hearing none he opened up to the audience, hearing none. Chair Rochel asked for additional comments from the board. Board member Davis asked if Mr. Pickard would be willing to plant trees if necessary and questions regarding access to the site. Mr. Pickard stated the building would be placed running east and west and asked that Ty Eschenbaum be allowed to help answer questions. Mr. Eschenbaum introduced himself as Ty Eschenbaum from A1 Development Solutions and stated that the barn proposed was a naturally

ventilated barn and trees could not be located right around the building, if required they could possibly be planted near the property line. Mr. Pickard noted there would be only one driveway/access to the building. Mr. Haugen noted the area was flat and there were not sight obstructions. Chair Rochel asked if an engineer was used or who had developed the site plan. Ty Eschenbaum stated, "We work with Midwest and it was done by an engineer. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with additions, which are on file. Chair Rochel called for a roll-call vote: Spence-aye, Davis-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 13: Department Reports**. Chair Rochel asked Mr. Hill for his Directors report. Mr. Hill reminded the board the next meeting would be on April 3<sup>rd</sup>, 2018 at 7:00 PM. Mr. Hill noted that flooding was occurring and to be aware and it was also tornado season. He went over his upcoming week's calendar. He noted that the board would not go past 11 PM again, noting due to the special circumstance it was allowed at the meeting.

Meeting was adjourned at 12:38 AM.

Rae Lynn Maher  
Brookings County  
Development Department.