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November 5, 2019 Minutes

Brookings County Planning & Zoning Commission
November 5, 2019 – 7:00 PM
Brookings City & County Government Center
310 Chambers

In the absence of Chair Elenkiwich Vice Chair Ford assumed the Chair seat and called the meeting to order at 7:03 PM. Commission members present at start of meeting were: Chad Ford, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Randy Jensen and alternate board member Roger Erickson. Mike Bartley and Tom Davis arrived later where noted. Absent were Kimberly Elenkiwich and Michael McHugh.

Chair Ford read **agenda item # 2: Approval of minutes from October 1, 2019 meeting.** Roger Erickson moved to approve the minutes. Terrell Spence second. Chair Ford called for a voice vote. 6-ayes and 0-nays, motion carried.

Chair Ford read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Richard Haugen a director's report would be given and that Luke Muller from First District Association of Local Governments would present a short training session on a current topic of interest to board members.

Board member Mike Bartley arrived and took his seat.

Chair Ford 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 Ford read **agenda item # 5: Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.** None.

Chair Ford read **agenda item # 6: Approval of Agenda.** Mr. Haugen announced that agenda item # 8. 2019cu011 & item # 9. 2019cu012 had been withdrew by the applicant Tom Sterzinger and were removed from the agenda. Darrel Kleinjan moved to approve the agenda with items # 8 & 9 being removed. Mike Bartley second. Chair Ford called for a voice vote. 7-ayes and 0-nays, motion carried.

Board member Tom Davis arrived and took his seat.

Chair Ford stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 7: Consideration of Plats: a. 2019plat019: "Plat of Lot 1 of Thompson Addition in the NW1/4 of Section 26, T111N, R49W of the 5th P.M., Brookings County, South Dakota."** Darrel Kleinjan moved to approve the plat. Terrell Spence second. Chair Ford opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Suzanne & Robert Gambill are platting off 4.98 acres that contain a Homestead and building site from the 160.0 acres they own." He noted: 1) the farmstead will use the existing driveway located on 206th Street for access to the property. 2) The plat met the platting requirements for the 2016 Comprehensive Plan Unincorporated Rural Area Land Use on page 24 for Agricultural Land Use. Mr. Haugen used visuals to describe the plat. Chair Ford opened up for questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Ford asked the board for questions or comments, hearing none he called for a roll-call vote: Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Ford-aye. 8-ayes, 0-nays, motion carried.

Chair Ford stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 10: Revoke conditional use permit 2013cu007, issued to Brent Thompson and approved on July 2, 2013. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 11: Class A, B, C and D Concentrated Animal Feeding Operation. The property is described as: "S1310' of E550' & S480.5' of E970' Exc E550' & Exc Hwy in SE1/4 of Section 28, T109N, R48W (Parnell Township)" ~ 21883 SD Hwy 13, Elkton, SD 57026 is the address.**

Tom Davis moved to approve the revocation of conditional use request. Mike Bartley second. Chair Ford opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Brent Thompson applied for conditional use 2013cu007 for conditional use # 11: Class A, B, C and D Concentrated Animal Feeding Operation, for an expansion of his permitted Class "C" CAFO, (2012cu005) permitted on June 5, 2012 to Class "B" CAFO for 1,800 head of beef cattle." He noted: 1) 2013cu007 was approved on July 2, 2013 with a condition of the permit being that Mr. Thompson would need to get a state CAFO permit from the South Dakota Department of Environment and Natural Resources (SD DENR). 2) Mr. Thompson has decided to not to pursue the expansion to a Class "B" Beef CAFO. 3) SD DENR returned the application that Mr. Thompson had originally submitted for the expansion. 4) Public hearing was to revoke only the conditional use permit 2013cu007 – expansion from Class "C" to Class "B" beef cattle CAFO. 5) Operation of permitted Class "C" CAFO, 2012cu005 for up to 999 head of cattle could continue. 6) Public notices were published in the Brookings Register on October 22 and 29, 2019 and in the Elkton Record on October 24 and 31, 2019. 7) Letters were sent to the adjoining landowners, Parnell Township Chairman and Clerk, Brookings County Highway Department and the South Dakota Department of Transportation. Mr. Haugen then presented a visual presentation of the site. Chair Ford opened up for

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questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Ford asked for additional comments from the board, hearing none he called for a roll-call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Bartley-aye, Ford-aye. 8-ayes, 0-nays, motion carried to revoke 2013cu007 issued to Brent Thompson.

Chair Ford read **agenda item # 11: Department Reports**. Mr. Haugen announced that with the absence of the two conditional uses from the agenda Mr. Muller would present a short training session on whatever topic of interest he would like to present to the Zoning board. Mr. Muller identified himself as Luke Muller from First District Association of Local Governments and stated he would give a short training of items of interest. Mr. Muller chose the topic of appeals and discussed with the board hypothetical situations that can and do arise with appeals, be it appeal of the zoning officers' actions or appeal of an item that a board had dealt with in the past. Board member Randy Jensen also asked Mr. Muller for ideas on handling issues that may arise with past road agreements and how to handle new agreements so that roads aren't abused and ruined in the future in township areas. Mr. Muller noted that an annual review of road conditions could be added to the conditions/requirements of an approved permit in the road agreement. Chair Ford asked Mr. Haugen for his Directors report. Mr. Haugen noted a Joint City and County Meeting would take place before the monthly December meeting for a rezoning and to begin the Joint Jurisdiction portion of the Ordinance revision process. He asked the board if they would prefer to have to date changed so that Ag producers on the board could attend the Annual Ag Appreciation Banquet that would take place on Tuesday, Dec. 3, 2019. Board members noted preference to change the meeting date to be Monday, Dec. 2, 2019 at 7:00 PM with Joint City and County Meeting and the regular County Planning & Zoning Meeting to follow. Mr. Haugen also noted that Mr. Hill was not present as he was presenting a Winter Weather Training at the Multi-Cultural Center.

Chair Ford read **agenda item # 12: Executive Session, if Necessary**. Chair Ford noted no need for executive session.

Chair Ford asked for a motion to adjourn. Tom Davis made a motion to adjourn the meeting, Roger Erickson second. Chair Ford called for a voice vote. 8-ayes, 0-nays.

Chair Ford adjourned the meeting at 8:10 PM.

Rae Lynn Maher
Brookings County
Development Department.