

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF AUGUST 3, 2021 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, August 3, 2021. Those in attendance were in person or via phone. The following members were present: Chad Ford, Mike Bartley, Brian Gatzke, Spencar Diedrich, Darrel Kleinjan, Kyle Vanderwal, Neil Trooien, Randy Jensen, and alternates Roger Erickson and Dale Storhaug. Phoning in was: Senior Planner from First District Association of Local Governments Luke Muller. Absent was: Michael McHugh and County Development Director/Emergency Manager Robert Hill. Also present was: Deputy Director Richard Haugen

CALL TO ORDER

Chair Ford called the meeting to order at 8:00 PM

APPROVAL OF MINUTES

(Diedrich/Vanderwal) Motion to approve the July 6, 2021 Meeting Minutes. All present voted aye. **MOTION CARRIED.**

ITEMS TO BE ADDED TO AGENDA BY COMMISSION MEMBERS OR STAFF.

None added.

INVITATION FOR CITIZENS TO SCHEDULE TIME ON AGENDA FOR ITEM NOT LISTED. *Time limited to 5 minutes per person to address the board.*

A. Jan Sanderson

DISCLOSURE OF CONFLICTS OF INTEREST

Spencar Diedrich would recuse from vote on 2021plat012 and 2021cu015.
Randy Jensen would recuse from vote on 2021cu013 and 2021cu014.

APPROVAL OF AGENDA

(Bartley/Kleinjan) Motion to approve the agenda for the August 3, 2021 Meeting. All present voted aye. **MOTION CARRIED.**

JAN SANDERSON ADDRESSED BOARD.

Jan Sanderson spoke to the board voicing his concern with not allowing family members to have homes on less than 35 acres. He noted he had been a member of the board when the 35 acre ordinance rule went into effect. He informed the board of the original intent when the rule went into effect stating, "It was not to keep sons or members of the family to move out to the farm. At the time there were some trailer parks getting started in the county and the zoning commission had no power to stop them. That's why we started this ordinance." He felt road blocks should not be put on people that want to move out onto the farm and keep it going. He ended with noting there was a demand for specialty kinds of developments and stated, "That is where you really need to use your power."

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

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CONSIDERATION OF PLATS

2021PRE-PLAT001

For property described as “Preliminary plat of Lots 1, 2, 3 and 4, in Lot B of Haffner Addition in Govt Lots 2 and 3 in the SE1/3 SW1/4 of Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota.”

Submitted by Brookings Built Green Inc. by Dusten Hendrickson is a preliminary plat to subdivide property into 4 lots on the south east side of Lake Hendricks. Currently the property is a 9.64 acre parcel that contains an existing house and two detached garages. Site plan had been updated and lot sizes were noted as: Lot 1 – 20,340 sq. ft., Lot 2 – 20,987 sq. ft., Lot 3 – 22,686 sq. ft., Lot 4 – 308,089 sq. ft. Lots all exceed the 20,000 square feet requirement. Proposed driveway would be on the south side of the property and location of utilities easement was also noted on update. The proposed plat also noted 75 feet setback from highest known water mark and greyed area was the buildable area. The existing buildings (house and a garage) that were outside of the buildable space area would be allowed to stay as they were build prior to the current zoning ordinance requirements.

PUBLIC HEARING: Applicant Dusten Hendrickson informed those present he had nothing further to add.

(Vanderwal/Diedrich) Motion to approve the pre-plat. Roll call vote: Bartley-aye, Erickson-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021PLAT010

For property described as “Plat of Block 2, Goodfellow Acres Addition in parcel 4 of the plat of Govt Lot 1 and in Govt Lot 6 and in the W1/2 of the NE1/4 and the W1/2 of the E1/2 of the NE1/4, all in Section 31, T112N, R51W of the 5th P.M., Brookings County, South Dakota.”

Submitted by the Steven Goodfellow Trust to plat off 135.8 acres of grassland/pasture /trees. The property is irregular in shape on the west side and the only way to describe with a legal description is to plat the property. The parcel exceeds the 35 acre size requirement thus a residence could be built on the parcel. The southwest portion of the parcel that borders Mortimer Slough is zoned “Natural Resources” which has a 300 feet setback requirement, the balance of the land is zoned Agricultural.

(Diedrich/Trooien) Motion to approve the plat. Roll call vote: Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Ford-aye, 9-aye, 0-nay. **MOTION CARRIED.**

2021PLAT011

For property described as “Plat of Block 3, Goodfellow Acres Addition in parcel 4 of the plat of Govt Lot 1, Except the W 967.27’ thereof, and Govt. Lots 2 & 3, Except the

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W967.27' thereof and Govt Lot 6, all in the NW1/4 of Section 31, T112N, R51W of the 5th P.M., Brookings County, South Dakota.”

Submitted by Steven Goodfellow Trust to plat off 38 acres of grassland/pasture/tress. The property is irregular shaped on the east side and the only way to describe with a legal description is to plat the property. The parcel exceeds the 35 acre size requirement thus a residence could be built on the parcel. The southern portion of the parcel that borders Mortimer Slough is zoned “Natural Resources” which has a 300 feet setback requirement, the balance of the land is zoned Agricultural.

(Vanderwal/Gatzke) Motion to approve the plat. Roll call vote: Erickson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

Spencar Diedrich recused himself and Dale Storhaug took the seat.

2021PLAT012

For property described as “Plat of Lot 1A of Kodiak Addition in the SE1/4 of Section 3, T109N, R48W of the 5th P.M., Brookings County, South Dakota.”

Submitted by Kodiak Pork to plat off additional land located on the north and west sides of their property. They are enlarging the footprint of the property to meet the setback requirements for future building additions. The additional land purchase will make the west property line straight, currently it is offset.

(Vanderwal/Bartley) Motion to approve the plat. Roll call vote: Gatzke-aye, Storhaug-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

Dale Storhaug left the seat and Spencar Diedrich resumed his seat.

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2021CU012

Application for Hammink Dairy LLC by Wim Hammink, 2021cu012, 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: “SW1/4 to include SW1/4 of SW1/4 & 100’ of SE1/4 of SW1/4 in Section 22, T112N, R50W (Eureka Township)” ~~ located at 46914 200th St, Bruce, SD 57220.

(Diedrich/Gatzke) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use for a CAFO (Concentrated Animal Feeding Operation) expansion, to expand his current Class A Dairy by adding 600 head of dry cows (840 animal units) and a barn to house them in. Report noted: 1) July 10, 2012 granted conditional use (2012cu009) for 3,000 head of mature cows (4,200 animal units). 2) Setback requirements will be met and there is

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adequate storage available in the existing nutrient sediment basins. 3) Road agreement with Eureka Township on file and applicant informed them of proposed expansion. Public notices were published in the Brookings Register on July 20 & 27, 2021 and in the Volga Tribune on July 22 & 29, 2021. Letters were sent to the adjoining landowner's, Eureka Township Chairman and Clerk and Brookings-Deuel Rural Water.

PUBLIC HEARING: Applicant Wim Hammink informed those present he had come to Brookings County from the Netherlands 26 years ago. He noted he had been before the board on various applications in the past and this application was to add dry cows and a barn to allow for a better set up.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Diedrich asked if the current lagoon was big enough for the expansion. Hammink and Haugen noted there was adequate storage. Findings of Facts were reviewed, completed, concurred with by Diedrich and placed on file.

VOTE: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

Randy Jensen recused himself and Dale Storhaug took the seat.

2021CU013

Application by Ryan & Stacy Ness, 2021cu013, for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Use Permit # 3: Resorts. The property is described as: "Lot 1A & 2A of Goodfellow Addition in the N1/2 NE1/4 Section 18, T111N, R51W (Oakwood Township)" ~~ located at 46075 204th St, Bruce, SD 57220.

(Vanderwal/Trooien) Motion to approve the Conditional Use.

STAFF REPORT: The applicants are requesting a conditional use for a "Resort". The location is the OWL Lodge formerly operated by Vance Goodfellow. The Ness's have purchased the property and would like to reopen the "OWL Lodge". The report noted: 1) property was located in the Lake Park Zoning District. 2) Proposing to host: weddings, receptions, family gatherings, business meetings, and craft retreats. 3) 5 acre parcel contains a "Lodge", house and three smaller out buildings. 4) Applicant is leasing the adjoining 35 acre parcel that contains the "Outpost". 5) Business and site plans provided with the application were reviewed. 6) License from the South Dakota Department of Health for a Bed and Breakfast license would be need and a copy to be filed in the Development Office. 7) Food and alcohol will not be served by the applicants and all local ordinances and state laws for alcohol will need to be followed. 8) Maximum capacity was noted as 300 guests for the Lodge and Outpost with parking available for 400. 9) Hours of operation, severe weather, security and fire safety plan was reviewed. 10) Applicants also applying for a conditional use (2021cu014) for a campground, noting

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camping sites would be available for use of Lodge events or when no events are planned at the Lodge. Public notices were published in the Brookings Register on July 20 & 27, 2021 and in the Volga Tribune on July 22 & 29, 2021. Letters were sent to the adjoining landowners, the Brookings County Highway Department and the Oakwood Township Chairman and Clerk.

PUBLIC HEARING: Applicants Stacy and Ryan Ness clarified to those present, alcohol would be allowed to be brought in by those having events on site, but no selling of alcohol would be allowed.

Proponents: Haugen read comment received via phone from Myrth Williamson that stated, she had no issues or concerns with request.

Opponents: Dennis DeBoer asked if the closing hours of the big door would be addressed as it had in the past when Vance Goodfellow operated the business. Haugen noted it would be addressed in the Findings of Facts.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed, completed, concurred with by Bartley and placed on file.

VOTE: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Storhaug-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU014

Application by Ryan & Stacy Ness, 2021cu014, for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Use Permit # 2: Private parks and camp grounds. The property is described as: "Lot 2A of Goodfellow Addition of the N1/2 NE1/4 Section 18, T111N, R51W (Oakwood Township)" ~~ located at 46075 204th St, Bruce, SD 57220.

(Vanderwal/Gatzke) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use for a Private park and camp ground. The location would be at the OWL Lodge that was formerly operated by Vance Goodfellow. The Ness's have purchased the property and would like to reopen the camp ground at the "OWL Lodge." The report noted: 1) Property is in the Lake Park District, not in the floodplain or Zone B of the Aquifer Materials Map. 2) Review of plans – 7 camping spots and stated dimensions of each, location of bathrooms with showers, fire extinguishers, quiet time (10 pm-8 am), severe weather plans, camp ground open April 15th – October 15th, short term camping (1 week maximum say), no long term camping or off season storage of campers. 3) Applicant also applying for conditional use, 2021cu013, "Resort" for the OWL Lodge. Public notices were published in the Brookings Register on July 20 & 27, 2021 and in the Volga Tribune on July 22 & 29, 2021. Letters were sent to the adjoining landowners, the Brookings County Highway Department and the Oakwood Township Chairman and Clerk.

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PUBLIC HEARING: Applicants Stacy and Ryan Ness informed those present they had nothing further to add.

Proponents: Haugen read comment received via phone from Myrth Williamson that stated, she had no issues or concerns with request.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed, completed, concurred with by Gatzke and placed on file.

VOTE: Vanderwal-aye, Trooien-aye, Storhaug-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

Spencar Diedrich recused himself, Dale Storhaug took the vacated seat and Randy Jensen resumed his seat.

2021CU015

Application for Dakota Layers LLC by Jason Ramsdell, 2021cu015, 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 in Section 10, T109N, R48W (Parnell Township)".

(Vanderwal/Gatzke) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use for a Class "B" Laying Hen CAFO (180,000 head – 1,800 animal units). Proposed facility will: 1) be located on 482nd Ave (Brookings Co Rd #27) 2) main building structure with extensions of 4 enclosed barn with open areas on each side to allow chickens free range. 3) Free range open lots to be covered and fenced off, vegetation grown in open lots for the chickens to feed on and area to lay eggs. 4) When chickens will need to be housed inside the buildings runs, they will be free to roam and eggs will be collected daily from all locations. 5) Run off will be contained in storm water ponds built to South Dakota Department of Agriculture and Natural Resources specifications. 6) Mature litter will be collected and stored inside a designated storage areas at the end of each unit (storage capacity of 365 days). Litter will be hauled out by trucks and sold as a "Commercial Fertilizer" to area farmers. 7) All required setbacks will be met or exceeded. 8) No wells on the parcel. 9) Applicant has completed "Concentrated Animal Feeding Operation Environmental Training. Public notices were published in the Brookings Register on July 20 and 27, 2021 and in the Elkton Record on July 22 & 29, 2021. Letters were sent to adjoining landowners, Parnell Township Chairman and Clerk, Brookings County Highway Department and Brookings-Deuel Rural Water.

PUBLIC HEARING: Applicant Jason Ramsdell and Ben Stout from A1 Development Solutions informed those present the facility would be a specialty type complex consisting of cage free and/or organic or free ranged egg layers on a scale of 180,000

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hens and 8 different flocks. The facility would be built in phases and consist of 4 main bird buildings divided down the center lengthwise to provide for 2 different flocks, a large building in the center which would be built toward the end of the phase. Expected time line to be 2-3 years for full 180,000 hen completion. The main building to be used as a destination type building to offer educational opportunities to SDSU and area schools as well as used for daily work routine of feeding of the hens, and the gathering and cooling of eggs. The nutrients from the facility would be sold as a commercial fertilizer.

Proponents: Haugen noted a representative from Parnell Township had stopped in the office and acknowledged that the township had reviewed the information and had no issues with the request.

Opponents: Adjoining landowner John Coughlin spoke in opposition to the request noting concern with: 1) air quality and smell, 2) infringement on rights of those that live and farm in the area, and 3) area being concentrated with CAFO's, noting that if allowed there would be 3 CAFO's within a 2 mile area. Haugen read a letter submitted by Julia Coughlin that was viewable and had been posted on the online agenda.

DISCUSSION: Luke Muller from First District noted the applicant had met the requirements and, be it noted: 1) if there is a requirement for storm water containment, they have a place for it and will meet requirement. 2) Uniqueness of dry fertilizer being the end result on site. Board members had no questions or comments regarding the request. Findings of Facts were reviewed, completed, concurred with by Bartley and placed on file.

VOTE: Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye, Storhaug-aye. 9-aye, 0-nay. **MOTION CARRIED.**

Dale Storhaug left the seat and Spencar Diedrich resumed his seat.

DEPARTMENT REPORTS

Haugen announced to the board that a Joint special meeting with the County Commission would be held on Tuesday, September 7, 2021 at 8:00 AM in regards to updating the Zoning Ordinance for Cannabis Dispensaries. Dispensaries would have to be added to the Commercial section of the current zoning ordinance, the county must allow for 1 in the county and the ordinance needs to be in place by/before November 1, 2021. Haugen also reported work would begin again on updating the Zoning Ordinances. Joint meetings would be resuming with the city planning commission as well so that the Joint Jurisdictional Ordinance could be finished.

ADJOURN

(Diedrich/Gatzke) Motion to adjourn. Chair Ford adjourned the meeting at 10:09 PM.

Rae Lynn Maher
Brookings County
Development Department

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