

**BROOKINGS COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES OF FEBRUARY 7, 2023    REGULAR PLANNING & ZONING MEETING**

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, February 7, 2023. The following members were present: Chad Ford, Mike Bartley, Darrel Kleinjan, Kyle Vanderwal, Neil Trooien, Tim Paulson and Randy Jensen, and alternates Roger Erickson and Dale Storhaug. Absent was Spencar Diedrich and Brian Gatzke. Also present were County Development Director/Emergency Manager Robert Hill, Deputy Director Richard Haugen, and Senior Planner from First District Association of Local Governments Luke Muller.

**CALL TO ORDER**

Chair Ford called the meeting to order at 7:00 PM

**APPROVAL OF MINUTES**

(Vanderwal/Trooien) Motion to approve the Dec. 6, 2022, 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.*

No one scheduled time to address the board.

**DISCLOSURE OF CONFLICTS OF INTEREST**

None.

**APPROVAL OF AGENDA**

(Vanderwal/Paulson) Motion to approve the agenda for the February 7, 2023, Meeting. All present voted aye. **MOTION CARRIED.**

**ELECTION OF OFFICERS FOR 2023**

(Kleinjan/Paulson) Motion to appoint Chad Ford as Chairperson for 2023. All present voted aye. **MOTION CARRIED.**

(Trooien/Vanderwal) Motion to appoint Darrel Kleinjan as Vice Chairperson for 2023. All present voted aye. **MOTION CARRIED.**

**CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION**

**CONSIDERATION OF PLATS**

**2023PLAT001**

For property described as "Plat of Chris Diedrich Addition in the County of Brookings, South Dakota located in the NE1/4 of Section 31, T109N, R48W of the 5<sup>th</sup> P.M., Brookings County, South Dakota." Submitted by Larry Diedrich and LD Farms Inc. to plat February 7, 2023

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off and existing 12.73 acre building site that was originally described with a footage description. The property line is being adjusted around the building site and the building site will be 9.23 acres. Both the building site and the farmland each have a separate driveway access off 479<sup>th</sup> Ave.

(Paulson/Vanderwal) Motion to approve the plat. Roll call vote: Erickson-aye, Vanderwal-aye, Kleinjan-aye, Paulson-aye, Trooien-aye, Storhaug-aye, Jensen-aye, Ford-aye. 8-aye, 0-nay. **MOTION CARRIED.**

Commissioner Bartley arrived at meeting (7:12 PM)

### **2023PLAT002**

For property described as “Plat of Lot 1 of Wells Addition in the SE1/4 of Section 8, T109N, R49W of the 5<sup>th</sup> P.M., Brookings County, South Dakota.”

Submitted by Allison Farms inc., to plat off an existing 1.1-acre homestead/building site for a family member from the 160 acres they own. Noted on the plat is an access easement for ingress and egress to the property on the existing driveway to 44<sup>th</sup> Street South (Trenton Township gravel road).

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

### **2023PLAT003**

For property described as “Plat of Lot 1 of Allison’s Addition in the SW1/4 of Section 8, T109N, R49W of the 5<sup>th</sup> P.M., Brookings County, South Dakota.” Submitted by Allison Farms Inc., to plat off and existing 1.2-acre homestead/building site for a family member from the 160 acres they own. Noted on the plat is an access easement for ingress and egress to the property on the existing driveway to 34<sup>th</sup> Ave S (Brookings County blacktop road #21).

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

### **2023PLAT004**

For property described as “Plat of Block 1, Meyer Addition in the N1/2 of the NE1/4 of Section 11, T111N, R48W of the 5<sup>th</sup> P.M., Brookings County, South Dakota.” Submitted by Barron Meyer to plat off a 4.74-acre existing homestead/building site for a family member from the 74.95 acres he owns. Main driveway is off 483<sup>rd</sup> Ave (Sherman Township gravel road). Another driveway, currently not being used is off SD Highway 30. Both the South Dakota Department of Transportation and Sherman Township signed the Highway Authority line on the plat.

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

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## **CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT**

### **2023CU001**

Application for Kodiak Pork RE, LLC by Barry R. Kerkaert for a conditional use permit. 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: "Lot 1A Kodiak Addition in SE1/4 in Section 3, T109N, R48W (Parnell Township)" ~ located at 21493 482<sup>nd</sup> Ave, Elkton, SD 57026.

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

STAFF REPORT: The applicant is requesting a conditional use permit # 11: Class A, B, C and D Concentrated Animal Feeding Operation" to expand their existing Class "A" Confined Animal Feeding Operation (CAFO) swine operation. Currently, maximum of 7,224 head of swine (greater than 55 pounds), 640 head of swine (less than 55 pounds), equaling 3,500 animal units, with a breakdown is as follows: 936 farrowing sows, 5,328 gestating sows/bred gilts, 640 replacement gilts < 55 lbs. and 640 replacement gilts > 55 lbs. = 7,864 head of swine; to a maximum of 9,657 head of swine (greater than 55 pounds), 826 head of swine (less than 55 pounds), equaling 4, 525 animal units. The breakdown is as follows: 1,092 farrowing sows, 7,731 gestating sows/bred gilts, 826 replacement gilts < 55 lbs. and 834 replacement gilts > 55 lbs. = 10,483 head of swine. The report noted: 1) Current conditional use (2016cu003) had been approved on April 5, 2016. 2) No complaints or violations since being in operation. 3) Approval given by South Dakota Department of Agricultural and Natural Resources (SDDANR) to expand the farrowing barn and gestation barn with no increase in permitted animal units on July 29, 2021 (to allow for additional space per animal due to the California Proposition 12, applicant is awaiting the probable overturning of California Proposition 12). 4) Building permits were issued and barn additions were constructed 2021. 5) Engineers report was completed, contains required information and is on file. 6) Zoning office had reviewed documents and made a site visit. 7) Public notices were published in the Brookings Register on January 24 & 31, 2023 and the Elkton Record on January 26 & February 2, 2023. 8) Letters were sent to the adjoining landowners, Parnell Township Chairman and Clerk, Brookings County Highway Department and Brookings-Deuel Rural Water. The report also noted the applicant: 1) Is a part of Pipestone Systems based in Pipestone, MN, with shareholders being family farmers, who receive an allotment of pigs based on the shares owned and preferred schedule; 2) has employees who are on site, that have been certified in the South Dakota Department of Agriculture and Natural Resources Concentrated Animal Feeding Operation Environmental Training Program; 3) has a road agreement with Parnell Township is on file. Hill also noted the item was republished as the item was to be heard in January and that meeting was cancelled due to weather. The item had been republished in the legal papers.

PUBLIC HEARING: Applicant Barry Kerkaert informed those present, the reason for the application is due to risk if California law is overturned. Noting, if this happens producers have made significant investment to comply, if overturned they are at risk of losing their Market access for this pork and so they want to run the facility as it was originally designed which means they need to increase the animals to fill the space at the proper density.

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Proponents: None.

Opponents: None.

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

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

### **ALLAN AUSTREIM ADDRESSES BOARD.**

Allan Austreim told the board he had been at the December 2022 meeting to discuss expansion of a mobile home park; at that time, he was told to talk to the City of Volga about a possible annexation. He noted he had discussed with the Volga City Administrator Michael Schulte, and there was not a good way currently to annex the property into the city of Volga. No abutting land was currently annexed and per Volga City's attorney, kitty-corner land can't be used at this time when trying to annex property. Board members Ford and Bartley and Luke Muller from First District discussed: 1) options of purchasing land from adjoining landowners to meet the Volga abutting criteria, 2) issues - to allow under current zoning ordinance is not allowable and to try to amend the portion of the Ordinance in the Ag District would be a lengthy process. 3) best option would be to work with Volga City and adjoining property owners to find a way to get the area annexed into the City of Volga.

### **DEPARTMENT REPORTS**

Haugen noted that the Joint Jurisdiction Ordinance was approved and in force, a new Joint Jurisdiction Board consisting of 2 members from County Planning Board, 1 County Commissioner, 1 City Council Member and 1 City Planning Commission member would need to be created. The meetings would take place in between the City Planning and County Planning & Zoning Meetings when needed. He noted the first meeting of the new board under the new Joint Jurisdiction Ordinance would be on Tuesday, March 7, 2023 at 7:00 PM. He asked the board to appoint 2 members.

(Kleinjan/Paulson) Motion to appoint Chad Ford, Kyle Vanderwal and Commission Bartley to be on the Joint Jurisdiction Board of Adjustment with Spencar Diedrich being named as an alternate. All present voted aye. **MOTION CARRIED.**

Haugen asked for 2 members to volunteer to begin again with review or the Zoning Ordinance in areas that need to be updated. Board members Paulson and Diedrich will serve on the committee.

Hill announced that he would take the 3 names of those appointed to the new Joint Jurisdiction Board of Adjustment to the County Commission for their approval. He also

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noted that recently the county had experienced an outbreak in fires and noted fluctuation in the weather and temperatures. He asked that everyone be cautious and mindful, especially of those on the lakes ice fishing and hazards the temperatures can cause the ice conditions.

**ADJOURN**

(Erickson) Motion to adjourn. Chair Ford adjourned the meeting at 7:50 PM.

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Rae Lynn Maher  
Brookings County  
Development Department