

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:05 AM in the County Commission Board Room.

ROLL CALL:

Alan Schaefer, Aaron Johnson, Roger Albertson, Adam Leighton and Official Mandi Anderson along with Carrie Schiernbeck were all present. Dan Hansen was absent and Jody Ackerman was absent but excused.

AGENDA/ADDITIONS:

None.

Motion by Roger Albertson to approve the agenda. Second by Alan Schaefer. M/C All were ayes.

MINUTES:

Aaron Johnson requested to change the wording under Opponents CU #23-01 from "Hold off on" to "Postpone or deny". Wording will be adjusted.

Motion by Adam Leighton to approve February 8th minutes sent to them by mail. Second by Roger Albertson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

Aaron Johnson asked about three old topics: 7th member vacancy on the board, SCS pipeline discussion added to next months agenda and the First District commission comments on the zoning ordinances being revised soon.

NEW BUSINESS:

Disclosure of Conflicts of Interest; Relationship(s) to Applicant; or Ex Parte Communication:
NONE

Conditional Use #23-04

Owner/Applicant: Gracevale Hutterian Brethren – Paul Hofer Jr. Along with Dakota Environmental

Property Description: Tract 1 of Thompson Addition in Section 2-105-54, Clarno Township

Parcel Number: 13000-10554-02130

Zoning Description: "A" Agricultural

Request: Requesting a conditional use permit to replace destroyed CAFO barns and increase bird (turkey) inventory to a Class B.

History/Issue(s):

1. The applicant is asking to replace and increase his turkey barn compacity to allow for an extra 29,000 birds. The proposed finishing barns would raise the potential site inventory to 50,000 birds, the CU application is made for a total of 60,000 birds in order to match the already approved Class B CAFO permit existing with DANR. Total bird count of 60,000 head.
 - a. Applicant would like to build the new barns on a newly purchased piece of property adjacent to their existing where no CAFO has existed before.
 - b. Lake County Ordinance considers a Class B CAFO containing 60,000 head of turkeys to be equal to 1,080 animal units. Class B CAFO ranges from 1,000 – 1,999 animal units.
2. There are several reasons in which the applicant is required to come forward today and ask for this CU. The Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district:
 - a. When a new CAFO is proposed where one does not exist (new legal description and purchased land);
 - b. An expansion is proposed beyond what a current permit allows;
 - c. A cumulative expansion by 300 animal units of an existing CAFO that does not have a permit (29,000 head x 0.018 AU = 522 total AU increase.
3. The existing CAFO is in conformance with Lake County Zoning Ordinance for a Class B.
 - a. The barn is located at least 150' off the township road r-o-w and a site plan has been provided;
 - b. There are no concerns regarding the existing barns or ponds to be a potential pollution hazard. The structures meet all required minimum setback and separation distances. This barn is not located in a shallow aquifer but looks to be

determined that it falls near the edge of the Zone B shallow aquifer. Not located within the designated wellhead protection area or the 100-year floodplain. No drainage will contribute directly into a creek, stream or lake;

- c. Soil reports have been provided;
 - d. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards;
 - e. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
 - f. Kingbrook Rural water has been notified for their current water supplier.
4. This operation is located off of a County Highway Road and the road authority has been notified. Nels' email is provided within the packet.
5. Motion by Roger Albertson to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Adam Leighton. All were ayes.
- CAFO's are allowable as a CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
 - There are other existing CAFO operations in the area so it would be generally compatible with adjacent properties and other property in the district.
 - The CAFO is not out of the ordinary being located in the AG District.
 - They have provided all the required information for a Class B CAFO permit.
 - Kingbrook Rural Water and Badus township have not objected to the Conditional Use request.
 - Meets all the Lake County required minimum setback and separation distances.
 - If approved, the conditional use shall continue compliance with all of the requirements and conditions herein and compliance with all applicable provisions of the Zoning Ordinance.
 - Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.
 - The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
 - The granting of the conditional use would not adversely affect the public interest.

Proponent: none

Opponent: none

PLATS:

A Plat of Lot 2A McCarthy's Second Addition in the NE ¼ and **Tract A1 of Christiansen's Harbor First Addition** in the NE ¼ of Section 26-106-52 of Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing two existing lots to add additional land to Tract A1. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Adam Leighton. M/C All were ayes.

A Plat of Lot 7 of Hillside Campground Addition in the Government Lot 3 in Section 6-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single family residential use, no longer using this new lot area for campground purposes. Plat meets Lake County Regulations and the taxes have been paid in full. Motion by Adam Leighton to recommend the approval of this plat to the County Commission. Second by Roger Albertson. M/C All were ayes.

PUBLIC COMMENT:

NONE

Motion by Adam Leighton to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Aaron Johnson adjourned the Planning Commission meeting at the hour of 8:40 AM.