

Tuesday, October 5, 2021

The Deuel County Zoning/Planning Commission met on Tuesday, October 5, 2021 at 10:15 a.m., in the Courtroom of the Courthouse in Clear Lake. Those present were board members Judith Homan, Kevin DeBoer, Mike Dahl, Paul Brandt and Dennis Kanengieter. Also, present was Zoning Officer Jodi Theisen, States Attorney Jared Gass and Deuel County property owners.

A joint public hearing with the Deuel County Commissioners Ordinance B2004-01-39B An Ordinance to Amend Section 1102.03, "Special Exceptions" (Article IX: "CI – Commercial/Industrial District to Include "Slaughterhouse"); Article XIV, "General Standards for Custom Processing and Slaughterhouse Activities", Adopted by Ordinance B2004-01, As Amended, of the Zoning Ordinance of Deuel County. The public hearing was opened. No proponents or opponents commented for the hearing. Zoning Board member Dahl motioned, seconded by Deboer, to recommend approval of this ordinance to the County Commissioners. All voted in favor, except for Paul Brandt which was absent for this part of the meeting, and motion carried. The Deuel County Board Planning Commission then recommended to the Commissioners amendment to Ordinance B2004-01 (existing Zoning Ordinance). To accept the Ordinance # B2004-01-39B to amend Section 1102.03, "Special Exceptions" [Article IX: "CI – Commercial/Industrial District to include "Slaughterhouse"]; Article XIV, "General Standards for Custom Processing and Slaughterhouse Activities", Adopted by Ordinance B2004-01, As Amended, of the Zoning Ordinance of Deuel County.

The Commissioners then held the first reading of Ordinance B2004-01-39B. The second reading will be held at the October 19th regular Commission meeting at 10:30 a.m.

A joint public hearing with the Deuel County Commissioners was held upon the request/petition of Austin Berwald/Berwald Family RLLP and Ordinance B2004-01-40A to Rezone from Agricultural District to Commercial District for the following described property: West 1630.4' of the South 891.6' of SW1/4 of 24-113-50, Grange Township, Deuel County, SD which upon platting will be known as the Plat of East Dakota Beef Addition located in SW1/4 of 24-113-50, Grange Township, Deuel County, SD Agricultural to Commercial District.

The hearing began with State's Attorney Jared Gass reminding the interested parties that the hearing is for the reclassification of the property in question and to try to limit comments. Present for the hearing was Dennis Evenson DCAD, Inc., Tammy Krein DADI, Paul Tschetter with Boyce Law Firm, David Coburn East Dakota Beef, Tanya Svec, Aaron Svec, Linda Svec, Jeff Watt, Mark and David Buschenfeld, Lilli DiPaula, Nick and Kristianna Siddens, Kimberly Harringa, Sheila Monnier, Jonathan Lundgren, Christina Lind, Seth Evenson, Austin Berwald and Dwayne Gorder.

Attorney Paul Tschetter spoke as a proponent of the rezone. He concurred with Gass that the hearing today is just to reclassify the property from ag to commercial. Any commercial use in the future does have to come before the Zoning Board. He identified compliance with the Zoning Ordinance on behalf of East Dakota Beef on any future concerns and highlighted points to support his argument. He reminded everyone that commercial development in Deuel County generates needed tax dollars. Many questions were asked of Tschetter about the extra traffic generated and load limits on County Road 313. Zoning Board member Dahl questioned the location and the shallow aquifer. Tschetter responded with the results of meetings with East Dakota District Water Development. East Dakota Beef intends on above ground containment, secondary containment, and

monitoring practices to protect the aquifer. He concluded by saying the net effect for Deuel County is positive and all concerns are for future discussions.

Paul Brandt stated that the Board need to determine whether failure to meet the following 14 Commercial/Industrial Development Policies and the Regarding Area of Development Limitation (Shallow Aquifer). He stated that the county has other Ag Production facilities over a shallow aquifer and feels comfortable about any commercial business if they following the criteria and requirements.

Dennis Evenson of Deuel County Ag Development spoke as a proponent as DCAD always encourages ag and entities that produce ag support. He feels there is substantial impact on tax dollars but does agree it is important to address concerns.

Tanya, Aaron and Linda Svec (area landowners) all spoke as opponents of the rezone. They are all area landowners and have concerns about the shallow aquifer. They supported their claims with the Deuel County Comprehensive Land Use Plan and want to protect the environmental quality. Wastewater runoff and drainage issues were also of a big concern.

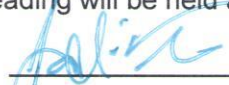
Jeff Watt, Mark and David Buschenfeld (area landowners) comments were also directed towards the shallow aquifer, future water quality, wastewater management, and water supply concerns. They were not against value-added ag development, but wanted answers for water quality and supply. Proponent Austin Berwald assured the property owners that any water supply concerns are being handled through Brookings-Deuel Rural Water.

Jon Lundgren, property owner, stated that today's hearing will have long term implications. He suggested that the Zoning Board table the rezone until language is put in for the intended use of the ordinance. Much discussion was held between all present and the Deuel County Zoning Board. The Board stressed that many more steps would happen before a commercial operation would be approved.

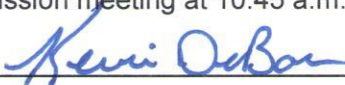
After much discussion, The Deuel County Zoning Board said the property meets all the requirements of the ordinance. Zoning Board member Dahl motioned, seconded by Brandt, to recommend approval of the Ordinance B2004-01-40A to be Rezone from Agricultural District to Commercial District for the following described property: West 1630.4' of the South 891.6' of SW1/4 of 24-113-50, Grange Township, Deuel County, SD which upon platting will be known as the Plat of East Dakota Beef Addition located in SW1/4 of 24-113-50, Grange Township, Deuel County, SD Agricultural to Commercial District. Kanengieter called for a roll call vote; DeBoer-no, Brandt-yes, Homan-no, Dahl-yes, and Kanengieter-yes and the motion carried.

The Planning and Zoning Commission adjourned.

The Commissioners then held the first reading of Ordinance B2004-01-40A. The second reading will be held at the October 19th regular Commission meeting at 10:45 a.m.



Jodi Theisen
Deuel County Zoning Officer



Kevin DeBoer
Vice Chairman, Zoning Board