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September 6th, 2016 Minutes

Brookings County Planning & Zoning Commission
September 6th, 2016 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 8:03 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael Vande Weerd, Randy Jensen, and alternate board members Tom Davis and Roger Erickson.

Chair Robbins read **agenda item # 2: Approval of minutes from August 2nd, 2016 meeting.** Terrell Spence moved to approve the minutes. Michael Vande Weerd second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Robert Hill added “Administrative section discussion” following department reports.

Chair Robbins 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 Robbins read **agenda item # 5: Approval of Agenda.** Darrell Nelson moved to approve the agenda. Robert Rochel second. Chair Robbins called for a voice vote. 9 -ayes and 0 - nays, motion carried.

Chair Robbins stated, “We are now acting as the Brookings County Board of Adjustment” read the opening statement and **agenda item # 6: 2016var017: Kleinjan Farms, Inc. has made an application, 2016var017, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 “A” Agricultural District: Area Regulation # 3: Side Yard: The minimum width of a side yard shall be twenty-five (25) feet. The property is described as: “N 179’ of Block 2 of the Plat of Block 1 & 2 of Man’s Addition in E1/2 of Section 21, T111N, R51W (Oakwood Township).”** Michael Vande Weerd moved to approve the variance request. Darrell Nelson second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Tom

Kleinjan of Kleinjan Farm, Inc. has applied for a variance to build a grain bin approximately 10 to 15 feet from the side property line. The required setback distance is 25 feet. The land was platted in 1995 and Mr. Kleinjan purchased the property in 2004. The property currently has two existing grain bins and a machine shed. In 2006 and 2013 variances were granted to Mr. Kleinjan to build the two existing grain bins closer to the side property line. Hardships to consider are: 1) the shape and size of the lot, 2) location of electrical transformers and meter pole on the west end. Letters were sent to the adjoining landowners and the Oakwood Township Chairman and Clerk and no comments were received." Mr. Haugen then presented a visual presentation of the site. Chair Robbins asked Mr. Kleinjan to come forward and address the board. The applicant identified himself as Tom Kleinjan and stated, "I am part of Kleinjan Farms along with my brothers, James (not present) and Russell (present). Initially we started out with the first bin and wanted as much room on the north side as we could get for our turn around with the trucks, access into the machine shed, and also for future grain handling equipment. We have had two different landowners live near the bin site. I visited with them both and they had no objections to the site." Chair Robbins opened up for questions from the board, hearing none. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, seeing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Robbins-aye. 9- ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brooking County Planning and Zoning Commission" read the opening statement and **agenda item # 7: 2016cu018: Kevin Rollag has made an application, 2016cu018, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake-Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "Lot 9 in Block 2 in Sunset Point Addn in Govt Lots 3 & 4 of Section 22, T112N, R47W (Lake Hendricks Township)".** Darrel Kleinjan moved to approve the conditional use request. Michael Vande Weerd second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Rollag has applied for a conditional use to build a 30 feet x 40 feet x 10 feet side wall (1,200 square feet) detached garage (accessory building) on a non-lake front lot. The proposed building would be built across the road to the southeast of his residence. The property has an existing driveway with a row of evergreen trees along the east and south side of the property. The lot was platted in 2005 and contains 20,309 square feet. All the Lake Park non-lake front setback requirements will be met. Adjoining landowners and the Lake Hendricks Township Chairman and Clerk were mailed letters and no comments were received." Mr. Haugen then presented a visual presentation of the site. Chair Robbins asked Mr. Rollag to come forward and address the board. The applicant identified himself as Kevin Rollag and stated, "I am requesting to build a 1200 square feet building to store a boat, jet ski, and

other recreational vehicles, lawnmowers and such in. It fits a little better to go the 1200 square feet.” Chair Robbins opened up for questions from the board. Board member Nelson noted he had a question in regards to a shed that was visible in the presentation photos on other property. He stated, “Is that shed in the Ag district or the Lake Park district?” Mr. Haugen noted that building was in the Lake Park district and had been permitted to Mr. Zelinski in prior years. Chair Robbins asked for further comments from the board. Board member Spence asked for clarification of the numbering of the conditional use that appeared in the staff report. It was noted the correct ID is 2016cu018. Chair Robbins asked for further questions from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board, board member Rochel asked, “Have you visited with you neighbors?” Mr. Rollag stated, “I have visited with the neighbors and have not heard any objections.” Chair Robbins asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 8: Consideration of Plats: a. 2016plat007: “Plat of Tract 3 and Tract 4 of Lass Addition in the NW1/4 of Section 14, T109N, R50W of the 5th P.M., Brookings County, South Dakota.”** Robert Rochel moved to approve the plat. Kimberly Elenkiwich second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “This area is south of town on the Sinai road and is owned by Constance Lass on the Lass Addition and also there is a parcel on the plat that is owned by Robert and Sharon Kasdorf. This is a plat for Tract 3 – 75.59 acres in the NW ¼ of Section 14, T1019N, R50W. Tract 3 has a 40 feet access easement to Tract 4 and a 50 feet easement on the east side of Tract 3 to access Tract 2A of Lass Addition, which lies directly south of Tract 3. The land is agricultural farm land and is currently being farmed. Tract 4 contains a 14.6 acre existing building site, and is owned by Robert and Sharon Kasdorf. The Kasdorf’s purchased the property from the Lass’s in October 2001 with a footage description. Tract 3 and Tract 4 correct the property pin locations that were originally placed when the property was sold to the Kasdorf’s and gives the property an accurate legal description. It is within the Joint Jurisdiction area and is located on the south side of W 44th Street (216th St) and on the east side of 470th Avenue. Mike Struck, the Brookings City Community Development Director, reviewed the plat and has no objections to the request.” Mr. Haugen used visuals to further describe the plat. Chair Robbins opened up for questions from the board, hearing none. Chair Robbins opened up for discussion from the audience, seeing none. Chair Robbins asked the board for questions or comments, hearing none he called for a roll-call vote: Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item b. 2016plat008: “Plat of Block 1, Danielsen’s Subdivision being located in the Northeast ¼ of the Northeast ¼ of Section 5, Township 111 North, Range 50 West of the 5th P.M., Brookings**

County, South Dakota.” Robert Rochel moved to approve the plat Kimberly Elenkiwich second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “The Danielsen’s are platting off an existing 4.84 acre building site from the rest of the their land. The building site is existing and the balance of the land is farm ground and grass.” Mr. Haugen used visuals to describe the plat. Chair Robbins opened up for questions from the board. Board member Pierce had a procedural question, “Under our zoning ordinance, then even though we have a 35 acre rule and some other rules as relates to homestead. You can plat off if you have an existing site, you can plat off any amount of acres that you want as this is less than 5 acres, this can be any number?” Mr. Haugen noted that was correct. Mr. Hill added that if the site does not have rural water, it has to be a minimum of one acre. Board member Pierce asked, “Is this set forth in the ordinances?” Mr. Hill stated, “That is set forth by administrative rules of the Department of Environment and Natural Resources.” Board member Pierce then asked, “There is no minimum lot size out in the county, do we say that or is there just nothing in our ordinance? Mr. Hill stated, “I believe we don’t have anything in the ordinance.” Chair Robbins asked for additional questions from the board, hearing none. Chair Robbins opened up for discussion from the audience, hearing none. Chair Robbins again asked the board for questions or comments, hearing none he called for a roll-call vote: Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Elenkiwich-aye, Robbins-aye. 9-eyes, 0-nays, motion carried.

Chair Robbins read **agenda item # 9: Department Reports**. Chair Robbins asked Mr. Hill for his Directors report. Mr. Hill announced: 1) September is National Preparedness Month - keep in mind farm safety and have an updated plan, also winter is coming and in South Dakota severe weather can occur in any month. 2) September 12th-15th, 2016 Richard Haugen and Robert Hill would be at an EM Conference in Aberdeen. 3) Mr. Hill noted he would also be out of the office September 20th-23rd, 2016. Mr. Haugen noted he had nothing to report.

Mr. Hill and Mr. Muller approached the podium for the Administrative Section discussion. Mr. Hill performed introductions: Robert Hill, County Development Director and Luke Muller, First District Association of County Governments. Mr. Hill stated, “We need to set guidelines for: review of and Ordinance updates.” Discussion was held regarding timeline of review (stating it as a defined number of days), posting and then collecting written public comments, a final document review in order to prepare for public hearings portion. **Note: This process and timeline is not a legal notice, not required.** Color coding of changes, updates and possible deletion of items in ordinance review was also discussed.

Chair Robbins asked for a motion to adjourn. Darrell Nelson made a motion to adjourn the meeting, Terrell Spence second. Chair Robbins called for a voice vote. 9-eyes, 0-nays. Chair Robbins adjourned the meeting at 9:15 PM.

Rae Lynn Maher
Brookings County
Development Department

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