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**May 1st, 2018 Minutes**  
**Joint Brookings City and Brookings County Planning Commission Minutes**

Joint Brookings City Planning and Brookings County Planning & Zoning  
Commission  
May 1st, 2018 – 8:00 PM  
Brookings City & County Government Center  
310 Chambers

Brookings City Planning Commission Chair Greg Fargen called the meeting to order at 8:00 PM. Brookings City Planning Commission members present were: Tanner Aiken, Alan Johnson, Gregg Jorgenson, Eric Rasmussen, Kristi Tornquist, and Charles Siver. Absent City members were Clark James Drew III and Lee Ann Pierce. Brookings County Planning Commission members present were: Chair Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Randy Jensen, Chad Ford, and alternate board members Tom Davis and Roger Erickson. Absent County members were Michael McHugh and Lee Ann Pierce. Also present were City Planner Staci Bungard, Community Development Director Mike Struck, County Development Director Robert W. Hill, and County Development Deputy Director Richard Haugen.

Chair Fargen read **agenda item # 2: Approval of Agenda**. Both boards moved approval of the agenda. Darrell Nelson moved approval and Charles Siver second. Chair Fargen opened for discussion. Seeing none, he called for a voice vote, all present voted aye. Motion carried.

Chair Fargen read **agenda item # 3: Hearing and action on a petition to rezone S245' of W246' of the SE1/4 SW1/4 of Section 3, T109N, R50W from Joint Jurisdiction A, Agricultural District to Joint Jurisdiction Residence R-1A Single-Family District. (1002 W 32<sup>nd</sup> St St)**. Chair Fargen asked City of Brookings Planner for a staff report. Ms. Bungard gave her report stating, "The owner is requesting that the county and the city rezone approximately 1.38 acres of land from Joint Jurisdiction A, Agricultural to Joint Jurisdiction R-1A in order to construct one additional residence. The land is located along West 32<sup>nd</sup> Street South within the three mile JJA area generally southwest of the city limits. The property is surrounded by agricultural land with some larger lot residential development within 1/8 mile to the east along Opland Loop. There several other

parcels to the east fronting Western Avenue within approximately ½ mile that are zoned R-1A and R-1B in the Joint Jurisdiction area. The parcel is slightly over 40 acres in size and is being used as a small agricultural operation with one existing home site. The owner would like the flexibility to construct a second residence on the property for his son. Currently the Agricultural District restricts a second residence as it allows for one single family home per 35 acres. The land to be rezoned is partially located within the floodplain and the landowner plans to fill the area to meet the floodplain requirements and submit a final plat for the property. Any new development will need to meet State requirements for wells and septic tanks as city and rural services are not readily available.” She noted that both the County and City Planning Commissions would make a recommendation to their respective governing bodies. The County Commissioners and City Council would hear the rezoning request and make a final determination. Ms. Bungard went over Findings of Facts and asked if the county had anything to add. Mr. Haugen noted that he had nothing to add. Following the introduction of the item Chair Fargen then ask both city and county for a motion of approval of the item. Motion of approval by City Planning Commissioner Tanner Aiken, Eric Rasmussen second. Motion of approval by County Planning and Zoning Commissioner Randy Jensen, Kimberly Elenkiwich second. Chair Fargen opened up for discussion from the audience. Steven Hougland the landowner, explained that his son and family would like to build a home west of his current home in the area requesting to be rezoned. He noted due to rural water and well restrictions, they were required to plat off at least 1 acre of land. Mr. Hougland explained that they had permit from the Department of Agriculture to dig a wildlife pond to not affect the Topeka Shiner. The fill would then be used to raise up the area above the floodplain. Chair Fargen opened up for questions from both boards, hearing none. Chair Fargen then asked for additional comments from the audience. Duane Knutson an adjoining landowner came forward and noted that he wasn’t opposed to the request for another house in the area but was concerned that if the request were to pass it would waive the 35 acre rule. He noted that within a ¼ mile there were 11 approaches in the area, leading to houses. The 35 acre rule was put into place in the 70’s to prevent this from happening. He noted the county had not wavered from the 35 acre rule in the past and was concerned that if it was waived the precedence it would set in allowing similar requests in the joint area. Chair Fargen asked for additional comments from the public, hearing none he closed the public hearing and asked for questions, comments and discussion from both boards. County Chair Rochel asked questions of Mr. Hougland: 1) the size of the pond and the amount of area the fill material would be placed on. 2) Estimate of base elevation from current ground level. Mr. Hougland noted: 1) the plan was to place fill in area of where the house (split foyer type) would be placed and the area around it. 2) The area would be surveyed and he would estimate the addition of 2-3 feet of material to build the house site up. Ms. Tornquist asked Ms. Bungard the amount of the area that was/was not in the floodplain. Ms. Bungard used the County Beacon mapping as a representation to note that the bulk of the area was in the floodplain with just a small portion in the northeast corner that was not in the floodplain. Seeing no further discussion Chair Fargen called for a roll-call vote with

city and county alternating. Aiken-aye, Elenkiwich-nay, Johnson-nay, Nelson-nay, Jorgenson-nay, Kleinjan-nay, Rasmussen-nay, Ford-nay, Spence-nay, Tornquist-nay, Jensen-nay, Siver-aye, Erickson-nay, Davis-nay, Rochel-nay, Fargen-nay. City Planning Commission: 2-ayes, 6-nays, Brookings County Planning Commission: 0-ayes, 9-nayes. Motion for rezoning request failed by both the City Planning Commission and County Planning Commission. Chair Fargen noted the recommendations would be forwarded to the Brookings City Council and Brookings County Commission for consideration. Ms. Bungard noted the applicant would have the ability to move forward to the City Council and County Commission if he wished to pursue that with the governing bodies.

Meeting was adjourned at 8:13 PM.

Rae Lynn Maher  
Brookings County  
Development Department.

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Chair Rochel called the meeting to order at 8:22 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Randy Jensen, Chad Ford, and alternate board members Tom Davis and Roger Erickson. Absent: Michael McHugh.

Chair Rochel read **agenda item # 2: Approval of minutes from April 3rd, 2018 meeting.** Darrell Nelson moved to approve the minutes. Randy Jensen second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff.** No items were added.

Chair Rochel 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.** Dennis DeBoer requested time to address the board.

Chair Rochel read **agenda item # 5: Approval of Agenda.** Terrell Spence moved to approve the agenda. Lee Ann Pierce second. Chair Rochel called for a voice vote. 9-ayes and 0- nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 6: Public Hearing and Consideration of Resolution declaring boundaries and recommending creation of the Tax Increment District Number Two, Brookings County, South Dakota. To be located in the following location: "South Dakota Soybean Processor's Tract 3 B in the NW1/4 of Section 24, T110N, R51W of the 5<sup>th</sup>, P.M., Brookings County, South Dakota."** *Darrell Nelson moved to approve the resolution and declaration of boundaries for Tax Increment District Number Two. Kimberly Elenkiwich second. The motion passed unanimously.* Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Prairie Aqua Tech has started the process to apply for a TIF (Tax Increment Financing) District for infrastructure costs for their plant near Volga." He noted: 1) it was the first step of the process, where the county

planning and zoning commission approves the boundaries for the district and then the process continues on with the county commission. 2) Public notices had been published in the county legal newspapers: Brookings Register – April 17 and 24, 2018; Volga Tribune, White Tri-City Star and the Elkton Record – April 19 and 26, 2018. 3) Letters had been sent to the Brookings County Auditor, East Dakota Water District, Sioux Valley School and the Volga Township Chairman. Mr. Haugen then presented a visual presentation of the site. Mr. Haugen summarized stating, “This is approving the district boundaries and a resolution to be passed on to the County Commission and other steps to get the Tax Increment District in place.” Chair Rochel opened up for questions from the board, hearing none. Chair Rochel then opened the public hearing portion asking for proponents to come forward, seeing none he asked for opponents to come forward, seeing none he closed the public hearing. Chair Rochel asked for additional comments from the board. Board member Nelson asked for a clarification on the area involved. Mr. Haugen noted that it was the platted area 3B (8.2 acres) that had been filed on November 22, 2017 in the Register of Deeds Office. Chair Rochel asked for additional comments from the board, hearing none he called for a roll-call vote: Pierce-aye, Davis-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, and Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel recused himself due to a conflict of interest and Vice Chair Elenkiwich assumed the chair role and Erickson took Elenkiwich’s seat.

Chair Elenkiwich stated, “We are now acting as the Brookings County Board of Adjustment” read the opening statement and **agenda item # 7: 2018var002: David Rochel has made an application 2018var002 to the Brookings County Board of Adjustment, for a variance. Article 22: Section 22.01: Concentrated Animal Feeding Operation Regulations: Concentrated Animal Feeding Operation Control Requirements: # 6) Required Setback and Separation Distance. The property is described as: “N 838’ of E 1585’ of NW1/4 Section 17, T109N, R47W (Elkton Township)”**. Tom Davis moved to approve the variance request. Terrell Spence second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “David Rochel has applied for a variance to be 920 feet from a residence located in the “S770’ of W1430’ of SW1/4 of Section 8, T109N, R47W”, a variance of 160 feet. The required setback distance is 1,320 feet.” Mr. Haugen noted: 1) Residence was built in 1972 and is located NW of a proposed beef concentrated animal feeding operation (2018cu007), 2) Variance was for the distance from the residence to the northwest corner of the proposed building. 3) The shape, size of the lot and the topography of the land prevent the applicant from meeting the setback requirements. 4) Adjoining landowner of the residence had no objection to the variance request. 5) Letters had been sent to adjoining landowners, Elkton township chairman, Brookings County Highway Department, and Brookings-Deuel Rural Water. 6) Public notices had been published in the Brookings Register on April 17 and 24, 2018 and in the Elkton Record on April 19 and 26, 2018. Mr. Haugen then presented a visual presentation of the site and read a letter of support from Trageser’s. Chair Elenkiwich asked Mr. Rochel to come forward and address the board. The applicant identified himself as Dave Rochel and stated, “Richard

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pretty much covered it, I have 920 feet and asking for 940 feet from the residence to the proposed building. I know the acreage owners, have spoken to them and they have no issues as the letter that Richard read states. There is a cattle feeding operation already existing on the (Trageser's) place." Chair Elenkiwich asked for further comments from the board, hearing none she opened up to the audience, hearing none. Chair Elenkiwich asked for additional comments from the board, hearing none she asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Davis-aye, Erickson-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, and Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 8: 2018var003: David Rochel has made an application 2018var003 to the Brookings County Board of Adjustment, for a variance. Article 22: Section 22.01: Concentrated Animal Feeding Operation Regulations: Concentrated Animal Feeding Operation Control Requirements: # 6) Required Setback and Separation Distance. The property is described as: "N 838' of E 1585' of NW1/4 Section 17, T109N, R47W (Elkton Township)".** Darrel Kleinjan moved to approve the variance request. Chad Ford second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Rochel has applied for a variance to build a 67 feet wide x 254 feet long (499 head) Cattle Building 120 feet from the west property line, a variance of 80 feet and 80 feet from the south property line a variance of 120 feet." Mr. Haugen noted: 1) Mr. Rochel had applied for a conditional use permit (2018cu007). 2) Jon Vaske the adjoining landowner, called the Zoning Office on March 28, 2018 and stated, "He had no objections to the variance request." 3) Letters had been sent to adjoining landowners, Elkton Township Chairman and Clerk, Brookings County Highway Department, and Brookings-Deuel Rural Water. 4) Public notices had been published in the Brookings Register (April 17 & 24, 2018) and Elkton Record (April 19 & 26, 2018). Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked Mr. Rochel to come forward and address the board. The applicant identified himself as David Rochel and stated, "I talked with Jon Vaske and he had no issues and the location I picked for the building still leave room away from the fence and not impose on my neighbor." Chair Elenkiwich opened up for questions from the board. Board member Kleinjan asked what the hardship was that the building couldn't be moved farther north or east. Mr. Rochel noted that there was row of established pine trees and air flow would be restricted to the mono slope building the closer it was located to the trees. He expressed that he didn't want to destroy the trees. Mr. Haugen noted that the lay of the land on the north side of the trees dropped off considerable, about 50 feet. Mr. Rochel noted that north of the trees would not be a good location for the building as land north of the trees was hilly and had some wetland area. Mr. Haugen also presented a visual topography map of the area that had been submitted by Mr. Rochel's engineer. Mr. Rochel asked that his engineer be allowed to come forward. Nic Rowe identified himself and stated, "I am a professional Agricultural Engineer with ProAg Engineering, Inc. and I put together this quick site plan to show the elevation difference and give a lay of the land. The hardship would be drainage and the lay of the land. The elevation

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difference is 25-30 feet in elevation as it goes to the north.” Chair Elenkiwich asked for further comments from the board, hearing none she opened up to the audience, hearing none. Chair Elenkiwich asked for additional comments from the board. Board member Nelson further discussed: 1) the purpose of the trees, 2) the use of the small building that was currently on the parcel. Mr. Rochel responded: 1) the trees were planted over 15 years ago, the area is where calving takes place and offers a separation area. 2) The small building is a portable calving unit. Board member Nelson gave a brief history of the 200 foot setback requirement from the neighbor’s property line. He noted that it was added to the ordinance several years back to not have an issue if someone on the neighboring property had a small fishing pond or small outbuilding in a back lot and someone placed a large animal feeding operation near it. He noted it wasn’t the case with the variance request so the 200 feet would amicable. Chair Elenkiwich asked for additional comments from the board, hearing none she asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, Davis-aye, and Elenkiwich-aye. 8-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 9: 2018var004: David Rochel has made an application 2018var004 to the Brookings County Board of Adjustment, for a variance. Article 22: Section 22.01: Concentrated Animal Feeding Operation Regulations: Concentrated Animal Feeding Operation Control Requirements: # 6) Required Setback and Separation Distance. The property is described as: “N 838’ of E 1585’ of NW1/4 Section 17, T109N, R47W (Elkton Township)”**. Randy Jensen moved to approve the variance request. Darrell Nelson second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “David Rochel has applied for a variance to be 840 feet from a well located in the “S770’ of W1430’ of SW1/4 of Section 8, T109N, R47W”, a variance of 480 feet. The required setback distance is 1,320 feet.” Mr. Haugen noted: 1) Well was drilled in 2002 according to the South Dakota Water Well Completion Report and was located northwest of the proposed beef feeding concentrated animal feeding operation (CUP application 2018cu007). 2) Variance distance is from the well to the northwest corner of the proposed building. 3) Letters had been sent to adjoining landowners, Elkton Township Chairman and Clerk, Brookings County Highway Department, and Brookings-Deuel Rural Water. 4) Public notices had been published in the Brookings Register (April 17 & 24, 2018) and Elkton Record (April 19 & 26, 2018). Mr. Haugen then presented a visual presentation of the site and the letter from the well owner’s Sarah and Steven Trageser that stated they granted their permission. Chair Elenkiwich asked Mr. Rochel to address the board. The applicant identified himself as Dave Rochel and stated, “The well was drilled in 2002 but the house is now serviced by rural water. The well was used in the cattle yards up until 4 or 5 years ago and then the water from the well wasn’t very good or had a smell to it. They are using rural water for the cattle now too. The only thing they use the well for now if for sprinklers for the cattle in the summer time.” Chair Elenkiwich opened up for questions from the board. Board members Pierce and Spence questioned if there was a possible need for the well to be capped to protect the aquifer. Kleinjan

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and Davis noted that it was never requested in regards to a working well in the past and that the existing operation on the well site was more apt to be a possible contaminant concern than the proposed CAFO. Mr. Haugen noted variances for operating wells had been allowed in the past and the well in question had not stopped being used. He went over the well soils profile (Black Dirt 0-2 feet, Yellow Clay 2-5 feet Yellow Sand & Gravel 5-28 feet, Sandy Blue Clay 28-106 feet, Sand & Gravel 106-113 feet) and also stated, "I visited with East Dakota Water Development District (EDWDD) and the 78 feet layer of Sandy Blue Clay is a natural barrier for any contamination for the water for the aquifer, so they had no objections to the location or the variance request for here." Board member Pierce asked to verify and Haugen noted he had spoken with Jay Gilbertson of EDWDD. Chair Elenkiwich asked for further comments from the board, hearing none she opened up to the audience, hearing none. Chair Elenkiwich asked for additional comments from the board. Board member Nelson stated, "I have one comment concerning the well. The livestock facility itself since it will be a structure, I am not too concerned about run-off from that for a well. I would be more concerned about the land application and the proximity of the land application is to the west of the well and south." Mr. Rochel noted that the location would be more than a mile from the well. Chair Elenkiwich asked for additional comments from the board, hearing none she asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, Nelson-aye, Davis-aye, and Elenkiwich-aye. 8-ayes, 0-nays, motion carried.

*\*\* It was then noted that board member Erickson had been missed when doing the roll-call vote for 2018var003 & 2018var004. Erickson's vote was then taken and tallied bring the total of the two votes to 9-ayes, 0-nays. Motions both carried. \*\**

Chair Elenkiwich stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 10: 2018cu007: David Rochel has made an application, 2018cu007, to the Brookings County Planning and Zoning Commission 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: "N 838' of E 1585' of NW1/4 Section 17, T109N, R47W (Elkton Township)**". Darrel Kleinjan moved to approve the conditional use request. Terrell Spence second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Rochel has applied for a Class "D" Confined Animal Feeding Operation (CAFO) for a beef finishing operation consisting of 499 head (499 animal units) of beef cattle. The proposed site plan would feature one (1) mono slope 67' x 254' finishing barn with a 12 feet deep pit below the building for manure storage and would include a feeding, loading and working area. Access to the facility would be off 485<sup>th</sup> Avenue and 216<sup>th</sup> Street, Elkton Township gravel roads." Mr. Haugen noted: 1) Dave was actively engaging in farming with his father Robert Rochel and the facility would be located on 30.49 acres owned by Robert. 2) The manure pit capacity was 1,056,383 gallons (365 days of storage) and would be pumped out annually and

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applied by direct injection by tanker applicators. 3) More than adequate acres were available for manure application (minimum of 250 acres needed, 534 available plus an additional 300 available in the future if needed). 4) Application contained all the required information. 5) Proposed building would be located in the Zone "B" according to the "First Occurrence of Aquifer Materials in Brookings County, South Dakota" map. A test hole was excavated to a depth of 11 feet and East Dakota water Development District had reviewed the site and soil profile data and well log and determined that the 78 feet of Sandy Blue Clay was a natural barrier for the area of the proposed facility. 6) Proposed facility was not in the flood plain. 8) Variance applications heard prior for setback from residence, property line and well had been heard and granted. 7) Road agreement with Elkton Township on file. 8) Zoning Office had reviewed all documents and made a site visit to the proposed location. 9) Public notices had been published in the Brookings Register (April 17 & 24, 2018) and Elkton Record (April 19 & 26, 2018). 10) Letters had been sent to adjoining landowners, Elkton Township Chairman and Clerk, Brookings County Highway Department, and Brookings-Deuel Rural Water. Mr. Haugen then presented a visual presentation of the site. Board member Pierce requested that Mr. Haugen report comments from Jay Gilbertson regarding the Zone B Aquifer area. Mr. Haugen stated, "Mr. Gilbertson agreed they could have a Class D CAFO but could not expand. It is conditional use in our aquifer protection ordinance and it is an allowed use by a conditional use. Mr. Gilbertson had no objects and along with soil profile of the well and the topography of the area." Chair Elenkiwich asked Mr. Rochel to come forward and address the board. The applicant identified himself Dave Rochel and stated, "I have been working with the NRCS EQUIP program and this building will be built using part of their funding. On our home farm we have outdoor lots, we are going to close down two (2) outdoor lots and contain the three (3) that are left as part of this NRCS program. I have been working on this with the NRCS for the past 3-4 years. I will not be drilling a well on the site, it will be serviced by rural water." Mr. Rochel then had Mr. Rowe further describe. Nic Rowe, professional Agricultural Engineer with ProAg Engineering, Inc introduced himself and further described the facility. He noted: 1) facility was a no discharge facility with a concrete pit that offered a year's worth of storage. 2) Pit had water stop to seal any type of construction joints, so it was a water proof structure. 3) With a zero discharge facility the entire animal area would be covered with a roof and manure would be stored in a pit. Board members Pierce, Nelson, Davis, and Elenkiwich discussed: type of building; pit – construction, leakage, depth; meeting strict NRCS standards to qualify for program; roof run-off; monitoring since over Zone B aquifer.

Chair Elenkiwich asked for further comments from the board, hearing none she opened up to the audience, hearing none. Chair Elenkiwich asked for additional comments from the board. Board member Pierce directed a question to Luke Muller, First District Association of Local Governments, asking if he saw any issues with the Zone B Aquifer area. Mr. Muller remarked he would heavily rely on what Jay Gilbertson thought. He further noted that in August 2017 he had been at a meeting where DENR was questioned if they had a record of any deep pits barns leaking and as of August of 2017 no leaks were on record. He added that the

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engineer involved had also worked on projects in his area (Codington County). Chair Elenkiwich asked for additional comments from the board, hearing none she asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, Davis-aye, Erickson-aye, Nelson-aye, Kleinjan-aye, and Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Elenkiwich relinquished chair and Rochel resumed the Chairman seat. Board member Pierce left the meeting due to illness and alternate Erickson took her seat on the board.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 11: 2018var005: Donald L. Larson has made an application, 2018var005, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lots 31,32 & 33 of DeBoer's Lake Tetonkaha West Subdivision in Govt. Lots 1, 4, 5 & 6 of Section 7, T111N, R51W (Oakwood Township)" ~~ located at 48 & 49 Oakwood Shoreline Dr, Bruce, SD 57220.** Tom Davis moved to approve the variance request. Roger Erickson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Larson has applied for a variance to build a residence with an attached garage approximately 31.5 feet from the high water mark. A variance of 43.5 feet. The residence would also have a proposed covered cement patio area with support posts that would be 21.5 feet from the high water mark. The house would be constructed on one level with a cement patio on the lake side." Mr. Haugen noted: 1) the road (front yard) setback of 25 feet and side yard setbacks of 8 feet would be met. 2) The lots were platted in 1984 and re-platted in June 2003, when the original road was vacated and relocated. 3) Shoreline stabilization along the property had been completed in the past. 4) Applicant wanted new residence close to the same vicinity of the existing cabin due to the lay of the land and location of existing utilities. 5) A portion of the area was in the flood plain and the new residence would be built according to FEMA floodplain standards. 6) Letters were sent to adjoining landowners, Oakwood Township Chairman and Clerk and Shawn Knapp (Larson's contractor). 7) Adjoining landowner Mick McGlothlen had sent a letter to the Zoning Office stating he had no objections to the variance request. 8) Public notices were published in the Brookings Register on April 17 & 24, 2018 and the Volga Tribune on April 19 & 26, 2018. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Mr. Larson to come forward and address the board. The applicant identified himself as Donald Larson and had his contractor Shawn Knapp also introduce himself. Mr. Larson then stated, "First of all I want to thank your staff as they have been very helpful throughout this process. Because as we began this development project there was a lot of things that you learned as you went along. Mr. Haugen was very helpful in our research on this project." Mr. Larson then noted: 1) He had completed shoreline stabilization to the area. 2) Civil Design Engineering was doing the site work to get the area out of the floodplain. 3) Proposed structure would not encroach on

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the lake any more than the current structure. Chair Rochel opened up for questions from the board. Board member Kleinjan asked: 1) for the elevation of proposed garage entrance vs. the road, 2) if angle of garage design could be changed and straightened more and the whole structure moved closer to the road, 3) plans of proposed deck area. Mr. Larson noted: 1) when doing the site preparation the elevation would be within a 1 foot or so of the elevation of the road. 2) He noted that a couple of factors were considered when designing the angle of the garage. They took the time to look over weather patterns and the garage angle was to avoid as much inconvenience from snow and wind in the winter time as possible. As the plan and site plan progressed it would be possible that the structure would be back a bit more than the proposed plan. He noted the reason for part of the request was to allow for the location of the support posts of the deck overhang. He stated, "This is a work in progress and if that changes we certainly aren't going to be closer to the lake, there is a greater chance that we will be moved back further." 3) The plan was for a slab patio level with the ground, no steps or elevated deck. Board member Davis asked if Mr. Larson had any concerns with ice effecting the proposed residence as was currently happening on another area lake. Mr. Larson noted that he didn't have any concerns as the ice hadn't even reached the retaining wall this year and that Civil Design had done the elevations where the new home would be built estimating Brookings would be under 12-14 feet of water before the home would be affected. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience. Luke Muller from First District asked, "Is he getting any closer to the lake than he is today?" Mr. Larson stated, "The actual structure would not be as close to the lake as the lake side wall of the existing structure." Mr. Haugen noted the location of proposed structure vs. existing using visuals. Chair Rochel asked for additional comments from the public, hearing none he closed the public hearing portion and asked for additional comments from the board. Board member Nelson asked for the location of the septic system. Mr. Larson replied, "The septic is to the west, the existing will be removed and new system will be installed." Noting the location would be between the house and the road. Chair Rochel stated, "Coming from my perspective I really appreciate someone who puts the effort and hires an engineer and puts this design together and tries to correct any and all problems prior to construction." Mr. Larson noted when the elevation and landscaping were completed that will determine the final placement of the patio on the lake side. Chair Rochel 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 Rochel called for a roll-call vote: Spence-aye, Jensen-aye, Erickson-aye, Davis-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, and Rochel-aye, 9-ayes, 0-nays, motion carried.

**Chair Rochel read agenda item # 12: 2018var007: Reed Intermill has made an application, 2018var007, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 14 of DeBoer's Lake Tetonkaha West Subdivision in**

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**Govt Lots 1, 4, 5 & 6 in Section 7, T111N, R51W (Oakwood Township) ~ ~ located at 28 Oakwood Shoreline Dr, Bruce, SD 57220.** Darrell Nelson moved to approve the variance request. Kimberly Elenkiwich second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Intermill by Shawn Knapp of Shawn's Custom Homes, has applied for a variance to build a 20 feet x 30 feet residential addition approximately 32 feet from the high water mark, a variance of 43 feet. The addition will lineup with the existing house and not be any closer to the lake." Mr. Haugen noted: 1) Mr. Intermill had completed shoreline stabilization along his property. 2) A portion of the property was in the flood plain and the addition would be built according to FEMA flood plain standards. 3) A variance (2010var017) had been granted in the past to build the residence 16 feet from the pin (lake side) and the attached garage 13 feet from the road. 4) Hardship – size of the lot. 5) Letters had been sent to adjoining landowners and the Oakwood Township Chairman and Clerk. 6) Public notices were published in the Brookings Register on April 17 & 24, 2018 and the Volga Tribune on April 19 & 26, 2018. 7) Adjoining landowners Brian Ferris and Dwain Shay had emailed the office and had no issue with the request. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked the applicant to come forward and address the board. The contractor came forward and identified himself Shawn Knapp and noted, he was representing Reed Intermill. Mr. Knapp then stated, "The addition is not going to be any closer to the lake, it is going straight south and would meet the setbacks." Chair Rochel opened up for questions from the board. Board member Davis asked Mr. Knapp the distance the addition would be from the neighbor. Mr. Knapp identified the distance as 12 feet from the addition with a 4 feet deck walkway putting it at 8 feet from the property line and neighboring structure was about 15 feet from the property line. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Rochel asked for additional comments from the board and board member Nelson asked if the septic system would be changed. Mr. Knapp noted the septic would not be moved or affected. Chair Rochel 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 Rochel called for a roll-call vote: Jensen-aye, Erikson-aye, Davis-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye and Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 13: 2018var008: Mick McGlothlen has made an application, 2018var008, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 30 of DeBoer's Lake Tetonkaha West Subdivision in Govt Lots 1, 4, 5 & 6 in Section 7, T111N, R51W (Oakwood Township) ~ ~ located at 47 Oakwood Shoreline Dr, Bruce, SD 57220.** Kimberly Elenkiwich moved to approve the variance request. Tom Davis second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mick McGlothlen by Shawn Knapp of Shawn's Custom Homes, has applied for a variance to build a 20 feet x 43 feet attached garage 2.5 feet from

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the east side property line, a variance of 5.5 feet, and 39 feet from the road (front yard). The garage addition will match the east side of the existing residence. The 25 foot road (front yard) setback and 75 feet lake front setbacks will be met.” He noted: 1) Lot size was 48.7 feet wide x 154 feet deep and a portion of the lot area was in the flood plain but the proposed attached garage would not be in the flood plain. 2) Board had granted Mr. McGlothlen a variance (2015var029) to build a 14 feet wide x 41 feet deep residential addition approximately 50 feet from the high water mark, a variance of 25 feet. 3) Hardship to consider would be the size of the lot and location of the existing residence. 4) Letters had been sent to adjoining landowners and the Oakwood Township Chairman and Clerk. 5) Public notices were published in the Brookings Register on April 17 & 24, 2018 and the Volga Tribune on April 19 & 26, 2018. 6) Adjoining landowners Donald and Sharon Larson and David Nettleton had contacted the office and had no objection to the request. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked the applicant to come forward and address the board. The applicant identified himself as Mick McGlothlen and his contractor as Shawn Knapp and stated, “I have contacted Shawn to do the design of the garage I plan on adding on in anticipation of moving there full time once the garage is put up. The reason for the variance is, I want tie into the existing structure with a straight line wall out/back to the road.” Chair Rochel opened up for questions from the board, hearing none he opened up to the audience, hearing none. Chair Rochel asked for additional comments from the board. Board members Nelson and Kleinjan discussed separation distance between proposed structure and neighbor’s structure considering both the present and future consequences to the adjoining landowner. Mr. Knapp noted the garage was a narrow 2 stall garage and front door couldn’t be moved. The garage area was landlocked with the existing structure and the lot. Mr. Haugen noted that a fire code wall could be a requirement for the south wall and ceiling. Chair Rochel 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 Rochel called for a roll-call vote: Erickson-aye, Davis-nay, Elenkiwich-nay, Nelson-nay, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye and Rochel-aye. 6-ayes, 3-nays, motion carried.

Chair Rochel read **agenda item # 14: 2018var006: Larry Brooks has made an application, 2018var006, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: “LP” Lake-Park District: Density, Area and Yard Regulation (Non-Lake Front). The property is described as: “Lots 13-14-13A-14A Camara Beach Addn in NW1/4 Section 15, T112N, R47W (Lake Hendricks Township)” ~~ located at 108 N. Lake Hendricks Dr, Hendricks, MN 56136.** Kimberly Elenkiwich moved to approve the variance request. Roger Erickson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Mr. Brooks, by Shawn Knapp of Shawn’s Custom Homes, has applied for a variance to build a 30 feet wide x 60 feet long x 11 feet sidewall accessory building (1,800 sq. ft.) 8 feet from the rear lot line and 12 feet from the road. A rear variance of 42 feet and a front yard variance of 38 feet. He will meet the side setbacks of 8

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feet.” He noted: 1) the applicant was also applying for a conditional use (2018cu008) for the building due to the size. 2) Camara Beach Addition was platted in June 1975, prior to the lake park zoning requirements. 3) Hardship to consider would be the shape and size of the lot. 4) Public Notices were published in the Brookings Register on April 17 & 24, 2018 and in the Hendricks Pioneer on April 18 & 25, 2018. 5) Letters were sent to adjoining landowners, Lake Hendricks Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel called the applicant forward to address the board. The applicant identified himself as Larry Brooks and noted, Richard’s report was complete and he had nothing to add. Chair Rochel opened up for questions from the board. Board members Elenkiwich, Davis and Kleinjan asked for a description of the area behind the proposed structure and discussed possible changes in the placement of the proposed structure. Mr. Hill and Mr. Haugen noted the area behind contained a berm and was agricultural. Shawn Knapp, Mr. Brook’s contractor discussed the placement of similar structures in the area and noted the road was maintained by those living in the area. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Rochel 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 Rochel called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, Davis-aye, and Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel called for a 5 minute recess at 10:51 pm. During the recess Mr. Dennis DeBoer asked to be removed from the agenda. Chair Rochel called the meeting back to order at 10:56 pm.

Chair Rochel stated, “We are now acting as the Brookings County Planning and Zoning Commission” read the opening statement and **agenda item # 15: 2018cu008: Larry Brooks has made an application, 2018cu008, 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: “Lots 13-14-13A-14A Camara Beach Addn in NW1/4 Section 15, T112N, R47W (Lake Hendricks Township)” ~~ located at 108 N. Lake Hendricks Dr, Hendricks, MN 56136.** Darrell Nelson moved to approve the conditional use request. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Larry Brooks by Shawn Knapp of Shawn’s Custom Homes, has applied for a conditional use # 6: “Accessory building with side wall greater than 10 feet or more than 1,000 square feet”, to build a 30 feet wide x 60 feet long x 11 feet sidewall (1,800 sq. ft.) accessory building to be used for storage. He noted: 1) Proposed building would be on a non-lake front lot across the road from Mr. Brook’s residence. 2) The applicant had also so applied for a variance (2018var006) to place the building near the rear lot line and the road that had been

heard prior. 3) Camara Beach Addition was platted in June 1975, prior to the lake park zoning requirements. 4) Public Notices were published in the Brookings Register on April 17 & 24, 2018 and in the Hendricks Pioneer on April 18 & 25, 2018. 5) Letters were sent to adjoining landowners, Lake Hendricks Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Mr. Brooks to address the board. The applicant identified himself Larry Brooks and stated, "The building will be used primarily for storage – a couple boats, workroom, golf carts, jet skis, etc." Chair Rochel opened up for questions from the board. Board member Davis asked for the height of the sidewall. Mr. Brooks stated it was 11 feet. Board member Kleinjan asked for the dimensions that would be allowed in the proposed Lake Park District section of the ordinance. Mr. Haugen noted proposed ordinance would allow for 14 feet sidewalls and 2,000 square feet for accessory buildings. Board discussed option with Mr. Brooks for the allowance of a 14 feet sidewall. Mr. Brooks was agreeable with it being an option to go up to 14 feet on the sidewalls. Chair Rochel asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Rochel 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 Rochel called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, Davis-aye, and Rochel-aye. 9-ayes, 0-nays, motion carried.

Board member Erickson recused himself at this time. Chair Rochel noted there was 8 voting members and continued.

Chair Rochel read **agenda item # 16: Consideration of Plats: a. 2018preplat001 Postponed from April 3<sup>rd</sup>, 2018 meeting: "Preliminary Plat Berkland Addition located in Govt Lots 3 & 4, Section 32, T109N, R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "It was postponed last month to do some further research and looking into the road and accessing and public access. Our legal counsel did research and it is stated in the plat on Bortnem Beach that Bortnem Beach Road is access for the lots on Bortnem Beach. Not a public road to access across the road, it is only to access the lots that were platted when Bortnem Beach Addition was platted." He then read the description noted on the Bortnem Beach Addition plat. Mr. Hill further described the area and the roads in the area. He stated, "The road is not a public road, Bortnem Beach Road is a dedicated Bortnem Beach Addition road and as a Zoning Board we cannot grant access to the west side of Bortnem Beach Road. The recommendation is that you develop a road on your plat." Mr. Berkland stated, "So if a homeowner wants to build a shed over there, I cannot sell them a piece of land based on this preliminary plat?" Mr. Haugen noted that either Mr. Berkland would have to plan for a road adjacent to the other side or redo the development plat and have the road come in from the west side. Mr. Hill noted as the plat was the board could not approve the plat as it didn't have access to a public road. Mr. Berkland asked to formally withdraw his plat application at this time.

Mr. Erickson resumed his seat on the board.

Chair Rochel read **agenda item b. 2018plat002: “Plat of Aldrich Addition in the NW1/4 of the NW1/4 of Section 14, T109N, R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota.”** Darrel Kleinjan moved to approve the plat Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Mary Aldrich is platting off approximately 10.7 acres. The current use of the land is agricultural, grassland and pasture. The existing driveway on 44<sup>th</sup> St South would be used for access onto the property.” He noted the plat was located in the Joint Jurisdiction area, was for agricultural land and that the Brookings County Planning and Zoning Commission had jurisdiction and could recommend approval of the plat. Mr. Haugen then used visuals to describe the plat. Chair Rochel opened up for questions from the board. Board member Elenkiwich asked the reason for the plat. Mr. Haugen responded the potential buyer was keeping it as agricultural land and that it was not a buildable lot unless it would be rezoned into the city later and fall under city zoning. Chair Rochel opened up for discussion from the audience, hearing none. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, Davis-aye, Elenkiwich-aye, Nelson-aye, and Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 17: Department Reports.** Chair Rochel asked Mr. Hill for his Directors report. Mr. Hill welcomed Mr. Chad Ford to the board, announced that the administrative section of the Ordinance would be into effect for the June meeting, and reminded the board to be aware of severe weather. Mr. Haugen noted the new Administrative section of the Ordinance would become effective May 3<sup>rd</sup> so starting in June the board would be acting as the Board of Adjustment for conditional uses and variances, and that work on other sections of the ordinance was continuing.

Chair Rochel welcomed Chad Ford and asked for a motion to adjourn. Chad Ford made a motion to adjourn the meeting, Kimberly Elenkiwich second.

Chair Rochel adjourned the meeting at 11:22 PM.

Rae Lynn Maher  
Brookings County  
Development Department.