

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF MAY 4, 2021 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, Month 4, 2021. Modified meeting practices were used due to the global pandemic of COVID-19. Attendance for meetings to be via phone or for those in attendance the CDC recommended guidelines were followed in the Commission Chambers. The following members were present: Chad Ford, Mike Bartley, Spencar Diedrich, Darrel Kleinjan, Brian Gatzke, Kyle Vanderwal, Neil Trooien and alternates Roger Erickson and Dale Storhaug. Phoning in were: Randy Jensen, Michael McHugh and Senior Planner from First District Association of Local Governments Luke Muller. Also present were: Deputy Director Richard Haugen and County Development Director/Emergency Manager Robert Hill.

CALL TO ORDER

Chair Ford called the meeting to order at 8:03 PM

APPROVAL OF MINUTES

(Diedrich/Vanderwal) Motion to approve the April 6, 2021 Meeting Minutes. Roll call vote: Bartley-aye, McHugh-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Ford-aye. 9-aye, 0-nay. **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

(Diedrich/Bartley) Motion to approve the agenda for the May 4, 2021 Meeting. Roll call vote: McHugh-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2021PLAT006

For property described as "Plat of Lot 1 Smyer Addition in the W1/2 of Section 25, T112N, R48W of the 5th P.M., Brookings County, South Dakota." Submitted by the Smyer's to plat off 69.8 acres of grassland/pasture and farmland from the rest of the property that they own in the northwest and southwest quarter of Section 25. The property was platted due to the irregular shape of the property. The 69.8 acres has road

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access from existing driveways and could be used as a potential building site as it meets the 35 acre requirement for a new residence.

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

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2021CU004

Application by Dawes Beynon for a conditional use. "Gravel mining operation".
Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # .4: "Sand, gravel or quarry operation, mineral exploration and extraction" and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The property is described as: "SE1/4 Exc H-3 of Section 7, T109N, R49W (Trenton Township)." ~~ located at 4314 34th Ave S, Brookings, SD 57006.

(Diedrich/Gatzke) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # .4: "Sand, gravel or quarry operation, mineral exploration and extraction" and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The proposed mining site will be located in the SE1/4 of Section 7 in Trenton Township. A portion on the property is in the Floodplain and the entire parcel is in the Zone "B" of the Aquifer Materials Map of Brookings County. Storage of on-site petroleum products exceeding 55 gallons, will need to be elevated with a secondary containment and meet the "Performance Standards" of the Brookings County Aquifer Protection Ordinance and Joint Jurisdiction Ordinance. Report noted: 1) bordering roads – Interstate 29 on the west, 44th Street South (216th St) on the south (Trenton Township gravel road), Brookings County blacktop road #21 (aka-34th Ave S or 473rd Ave) on the east and the adjoining northwest quarter of Section 7 on the north. 2) Nick Winter to be the mine operator. 3) Road agreement with Trenton Township on file for 44th St S (216th Street). 4) Business plan – noting hours of operation, berms, weed control, entrance and exit, reclamation plan, mining expected to be completed in 15 years, natural waterway is to be maintained during the mining process. 5) If mine operator changes, the applicant and new mine operator will need to abide by the terms of the conditional use permit, if approved. 6) Applicant also applying for a crushing permit 2021cu005. 7) Jay Gilbertson from East Dakota Water District and Brookings City Community Development Office reviewed proposed request. 8) Letters were sent to adjoining landowners, Trenton Township Chairman and Clerk, and the Brookings County Highway Department. Public notices were published in the Brookings Register on April 20 & 27, 2021.

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PUBLIC HEARING: Mining operator Nick Winter and his attorney Reed Mahlke informed those present they had nothing to add.

Proponents: None.

Opponents: Haugen read comments received from 2 adjoining landowners, Harold Hartung and Douglas and Mary Vockrodt and noted that they had been posted online. In attendance opponent Kevin Telkamp noted concerns with weed control.

DISCUSSION: Board members Bartley, Diedrich, Gatzke, Kleinjan and Ford discussed weed control, water permits, and permit expiration date (7 years agreed upon). Muller suggested additional, more specific wording regarding drainage to Findings of Facts. Findings of Facts were reviewed, completed by the board, concurred with by Bartley and placed on file.

VOTE: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU005

Application by Dawes Beynon for a conditional use. "Rock Crushers". Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # .5: "Rock crushers, concrete and asphalt mixing plants" and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5A: "Rock Crushers". The property is described as: "SE1/4 Exc H-3 of Section 7, T109N, R49W (Trenton Township)." ~~ located at 4314 34th Ave S, Brookings, SD 57006.

(Bartley/Diedrich) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # .5: "Rock crushers, concrete and asphalt mixing plants" and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5A: "Rock Crushers". The proposed crushing site will be located in the SE1/4 of Section 7 in Trenton Township to process gravel mined on site. A portion on the property is in the Floodplain and the entire parcel is in the Zone "B" of the Aquifer Materials Map of Brookings County. Storage of on-site petroleum products exceeding 55 gallons, will need to be elevated with a secondary containment and meet the "Performance Standards" of the Brookings County Aquifer Protection Ordinance and Joint Jurisdiction Ordinance. Report noted: 1) bordering roads – Interstate 29 on the west, 44th Street South (216th St) on the south (Trenton Township gravel road), Brookings County blacktop road #21 (aka-34th Ave S or 473rd Ave) on the east and the adjoining northwest quarter of Section 7 on the north. 2) Agreements with: Nick Winter to be the crushing operator and road agreement with Trenton Township. 3) Business plan – hours of operation 7:00 AM – 7:00 PM Monday thru Saturday, entrance and exit off Brookings County Highway road #21, secondary entrance off 44th Street South. 4) If crushing operator changes, the applicant and new mine operator will need to abide by the terms of the conditional use permit, if approved.

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5) Jay Gilbertson from East Dakota Water District and the Brookings City Community Development Office reviewed the application and had no objections to the request. Letters were sent to adjoining landowners, Trenton Township Chairman and Clerk, and the Brookings County Highway Department. Public notices were published in the Brookings Register on April 20 & 27, 2021.

PUBLIC HEARING: Mining operator Nick Winter informed those present he had nothing to add.

Proponents: None.

Opponents: No opponents in attendance. Comment posted online had been noted.

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

VOTE: Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Gatzke-aye, Diedrich-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU008

Application by Wesley Tschetter for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet. The property is described as: "Lots 34,35 & 36 of Al-Mar Lake Hendricks Addition in Govt Lot 6 of Section 28, T112N, R47W, and Govt Lot 5 of Section 21, T112N, R47W (Lake Hendricks Township)" ~~ located at 19994 W Lake Hendricks Dr, Hendricks, MN 56136.

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

STAFF REPORT: The applicant is requesting a Lake-Park District conditional use to build an accessory building 40 feet wide x 64 feet long with a 12 foot sidewall (2,560 sq. ft.) to be used for storage of pontoon, vehicles, mower and other personal items. The building would be located on a lake front lot and will meet all the setback requirements - 75 from highest known watermark, 25 feet from the road and 8 feet from side property lines. The applicant has lots 34, 35 and 36 with a total area of approximately 1.7 acres that were platted on October 3, 1978. Considerations: 1) Al Mar Addition was platted in 1978 2) the 3 combined lots have an combined area of approximately 1.7 acres 3) the accessory building will be used for personal storage. Public notices were published in the Brookings Register on April 20 and 27, 2021 and the White Tri-City Star on April 22 and 29, 2021. Letters were sent to the adjoining landowners, Lake Hendricks Township Chairman and Clerk.

PUBLIC HEARING: Applicant Wesley Tschetter informed those present he was trying to figure the best usage of property and the dimensions needed for storage of recreational vehicles.

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Proponents: None.

Opponents: None.

DISCUSSION: Board member Kleinjan noted he appreciated several things regarding the conditional use request. Those being: 1) large enough lot area 2) design of the building with the raised rafters so that no request needed for taller sidewalls. Findings of Facts were reviewed, completed by the board, concurred with by Bartley and placed on file.

VOTE: Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021VAR009

Application for Kingbrook Rural Water by Bill Osterberg 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 and Area Regulation # 4: Rear Yard: The minimum depth of a rear yard shall be fifty (50) feet. The property is described as: "Booster Site in SE1/4 SW1/4 of Section 8, T109N, R51W (Oslo Township)". ~~ located at 46126 216th St, Volga, SD 57071.

(Diedrich/Vanderwal) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a variance to build a 20 feet x 30 feet booster pump building 10 feet from the rear yard lot line and 10 feet from the side yard lot line. A rear yard setback variance of 40 feet and side yard setback variance of 15 feet. On May 3, 2016 applicant was granted a variance for the existing 12 feet x 24 feet portable storage building to be located 10 feet from the rear property line and 10 feet from the side property line. The existing storage building will be moved and relocated to the west of the proposed new building. The property was platted on November 10, 1993, lot size is 125 feet x 125 feet. Hardships: 1) Shape and size of lot 2) location of booster pump and valves 3) best use of existing available space. Letters were sent to adjoining landowners, Oslo Township Chairman and Clerk, and the Brookings County Highway Department. Public notices were published in the Brookings Register on April 20 and 27, 2021, Volga Tribune on April 22, and 29, 2021.

PUBLIC HEARING: Applicant Bill Osterberg informed those present he had nothing to add.

Proponents: None.

Opponents: None.

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

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VOTE: Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill noted on May 25, 2021 at 8:30 AM there would be a special County Commission/Planning Commission meeting. The topic would be medical cannabis. This would be the first reading and then County Commission would have a second reading on June 1, 2021. This is to put into place an emergency ordinance to allow time for the State and County to get rules put into place (create Ordinance to regulate things) before July 1, 2021. Hill reviewed COVID-19 POD (points of dispensing) events and noted that there were two upcoming events offering COVID-19 vaccinations to walk-ins. He also reported that Haugen had presented a CAFO (Confined Animal Feeding Operation) talk to classes at SDSU. Hill also reminded everyone to be aware of the possibility of severe weather in the summer.

Haugen reported that work would begin again on reviewing the Zoning Ordinance and having joint meetings with the City Planning Commission.

Muller had no report to add.

Board member Bartley asked that members discuss and decide on the request made by Ryan Krogman to look into forming a task force or committee to look into housing outside the city, the 35 acre rule and related housing rules. Bartley asked for volunteers to establish a subcommittee (total of 5-6). Board members Gatzke, Diedrich, Vanderwal and Ford volunteered noting they would prefer 3 (three) would be members and 1 (one) act as an alternate. Planning commission being the majority of the subcommittee members plus 1 alternate.

ADJOURN

(Diedrich/Vanderwal) Motion to adjourn. Roll call vote: Jensen-aye, Bartley-aye, McHugh-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.** Chair Ford adjourned the meeting at 9:59 PM.

Rae Lynn Maher
Brookings County
Development Department