

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JUNE 1, 2021 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, June 1, 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, Darrel Kleinjan, Brian Gatzke, Kyle Vanderwal, Randy Jensen, and alternates Roger Erickson and Dale Storhaug. Phoning in were: Spencar Diedrich, Neil Trooien and Senior Planner from First District Association of Local Governments Luke Muller. Absent was: Michael McHugh. 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 8:02 PM

APPROVAL OF MINUTES (Bartley was not present)

(Vanderwal/Jensen) Motion to approve the May 4, 2021 and May 25, 2021 Meeting Minutes. Roll call vote: Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Storhaug-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

(Vanderwal/Gatzke) Motion to approve the agenda for the June 1, 2021 Meeting. Roll call vote: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Storhaug-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2021PLAT007

For property described as “Plat of Lots 1A and 2A of Lorenzen Addition in the SW1/4 of Section 1, T109N, R48W of the 5th P.M., Brookings County, South Dakota.” Submitted by Curtis Krogman and Brian Kruger to re-plat, Lot 1A containing 75.5 acres and Lot 2A containing 74.5 acres for a property line adjustment. The Planning and Zoning

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Commission recommended approved the original plat for “Lots 1 and Lot 2” on December 1, 2020. The plat was approved by the Brookings County Commission and recorded in the Brookings County Register of Deeds Office all on December 22, 2020. The property owners want to straighten out the property line between the parcels from the way it was originally platted. The road access will remain the same with Lot 1A having access off 215th St and Lot 2A will have access off of 483rd Ave, both are Parnell Township roads.

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

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

(Bartley arrived and joined seated board, Erickson moved to the alternate seat.)

2021VAR010

Application by Pam Intermill for a variance. Article 11.00: Section 11.01 “A” Agricultural District: Area Regulation # 7a: Where a second single family home is requested on an established farmstead, so long as it is immediately connected to the existing farming operation. The property is described as: “Block 1 Intermill-Misar Addition in the SE1/4 of Section 12, T110N, R51W (Brookings Township)” ~~ located at 46590 201st St, Brookings, SD 57006.

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

STAFF REPORT: The applicant is requesting a variance to build a second single family residence stick built home on an existing homestead. The current building site is 10.4 acres and was subdivided from the rest of the quarter when the approved plat was filed in the Register on Deeds on June 17, 2020. Currently the property has a house that was built in 1978 and no other accessory buildings. The balance of the land is trees and used as an area for storage of hay. The existing farm house is occupied by the applicant’s father. The applicant and her husband would like to build a new second stick built home on the site for them to live in. Pam and Lance have a farming operation consisting of 21 cows and their son farms the 350 acres they own. They also have a trucking business that is located in Volga. The property is located in the flood plain and the proposed new residence would need to meet the “Brookings County Floodplain Ordinance” requirements for building in the floodplain if this is approved. The report also noted board would have to consider: “Brookings County Zoning Ordinance” ARTICLE 11.00 AGRICULTURAL DISTRICTS - Section 11.01. “A” Agricultural District - Area Regulations – listed above and “The Comprehensive Land Use Plan for Brookings County” sections listed below; on page 49: Rural Development Areas: Agricultural Preservation Policies: page 50 - Maintain a residential density of not more than one building site per 35 acres. On page 69 - APPENDIX B - LAND USE LOCATION AND DESIGN CRITERIA BY SPECIFIC LAND USE IN THE RURAL DEVELOPMENT AREAS, page 70 - Accessory agricultural housing - Brookings County recognizes the need for relatives of farm operators and employees to live on the farm site. In order to allow for residents, deriving their primary source of income from a farm, to live where they work, more than one residence/dwelling unit may be allowed on a minimum 35 acre parcel in two instances: 1) A manufactured home to be used as an additional dwelling for

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an employee or relative of the farm operator. 2) An additional single family structure or a multiple family structure is proposed to house employees and/or relatives of the farm operator at the site of a Concentrated Animal Feeding Operation, which has received a conditional use permit by Brookings County. Other option, "*Brookings County Zoning Ordinance*" **ARTICLE 11.00 AGRICULTURAL DISTRICTS - Section 11.01. "A" Agricultural District - Conditional Use # 16:** *One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants, (Ord. 2006-02, 3-28-2006).* Applicant also applied for a front yard setback (2021var011) to be heard, contingent upon approval of 2021var010. Public notices were published in the Brookings Register on May 18 & 25, 2021. Letters were sent to adjoining landowners, the Brookings Township Chairman and Clerk, and the Brookings County Highway Department.

PUBLIC HEARING: Applicant Pam and Lance Intermill informed those present they had nothing to add.

Proponents: Rick Intermill noted he supported the request.

Opponents: None.

DISCUSSION: Board members Bartley, Gatzke, Ford, Kleinjan and First District Senior Planner Muller discussed: involvement in farming, income sources, 35 acre rule, history of past requests, future plans for existing home. Bartley noted not enough "boxes" were checked for him to give his approval. Hill noted at sites around Brookings with 2 stick homes were allowed as were prior to 1975, prior to current zoning ordinances. Pamela Intermill decided to withdraw both the variance requests (2021var010 & 2021var011). Written note stating withdrawal placed on file.

2021VAR011 – Withdrawn by applicant.

Application by Pam Intermill for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "Block 1 Intermill-Misar Addition in the SE1/4 of Section 12, T110N, R51W (Brookings Township)" ~~ located at 46590 201st St, Brookings, SD 57006.

2021VAR012

Application by Traci and Alan Dixon for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Minimum Lake Front). The property is described as: "Lots 1, 2 & 3 of Marvin Wade Second Subdivision of Govt Lots 1, 2 and 3 in the NE1/4 Section 6, T112N, R52W & Lot 10 Exc. NW 60' of CM Christensen Subdivision in Govt Lot 4 in NW1/4 Section 6, T112N, R52W & Lot D Co Hwy Addition in Section 6, T112N, R52W (Laketon Township)"~~ located at 288 S Lake Dr, Arlington, SD 57212.

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

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STAFF REPORT: The applicant is requesting a variance to build a second story addition on to the main floor of their existing lake cabin. The addition will be the same dimensions as the main floor of the existing lake cabin. Report noted: 1) Foundation of cabin - 18 feet from highest known water mark, built into the side of a hill, top of the foundation for cabin portion is 3-4 feet higher in elevation above highest known water mark. 2) No addition on the attached boat house portion of the cabin. 3) Proposed second story addition - will meet road side and side yard setbacks and the FEMA Floodplain "Non-substantial improvement" requirement. 4) Parcel located in the floodplain, applicant will need to complete a Flood Plain Development Permit and follow FEMA Floodplain standards for the second story addition. Considerations: 1) shape and size of the lot, location of existing electrical, water and telephone lines. 2) Cabin was built and lot was platted (Marvin Wade Second Subdivision - October 26, 1955 & CM Christensen Subdivision – November, 1950) prior to current zoning ordinances. Letters were sent to the adjoining landowners, Laketon Township Chairman and Clerk and the Brookings County Highway Department. Public notices were published in the Brookings Register on May 18 & 25, 2021 and in the Arlington Sun on May 20 & 27, 2021.

PUBLIC HEARING: Applicants Traci and Alan Dixon informed those present they had looked at building to the road side but the sewer and the electric utilities were an issue so they decided to build up instead of onto the existing structure.

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 Bartley and placed on file.

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

2021CU009

Application by Dillon Ringling for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 22: Lodging House". The property is described as: "SE1/4 SE1/4 SE1/4 of Section 16, T110N, R51W (Volga Township)" ~~ located at 21095 463rd Ave, Volga, SD 57071.

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

STAFF REPORT: The applicant is requesting a conditional use for a "Lodging House" at his residence located at 21095 463rd Ave, Volga, SD 57071, north of the intersection of US Highway 14 and 463rd Avenue. Report noted: 1) "Lodging House" would be a VRBO (Vacation Rental By Owner). 2) Building located on 10 acre site consisting of the residence, winery building, storage shed and a proposed new 64 feet x 120 feet three (3) season event hall. 3) Approved for an Extended Home Business (2020cu18) on September 1, 2020 for an "Event Center" on the site. 4) Business plan, emergency plan,

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transportation, area events, eating establishments and parking/security information submitted was reviewed. 5) "Lodging House (VRBO)" would allow renters of the "Events Center" to stay on site for their event and VRBO could be utilized when events are not scheduled at the events center. 6) House was built in 1998 and maximum guest allowed would be 16. 7) Applicant would abide by South Dakota Department of Health requirements for a "Vacation Home" (SD Admin Rules 44:22:08, SD Codified Law 34-18-22.2 & SD Dept. of Agriculture and Natural Resources requirements for the septic system.). Public notices were published in the Brookings Register on May 18 & 25, 2021 and in the Volga Tribune on May 20 & 27, 2021. Letters were sent to the adjoining landowner's, Volga Township Chairman and Clerk, South Dakota Department of Transportation.

PUBLIC HEARING: Applicant Dillon Ringling informed those present he had gotten approval from the State related to the request.

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 Bartley and placed on file.

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

DEPARTMENT REPORTS

Hill noted the Brookings County Commission had passed a Temporary Ordinance regarding Medical Cannabis (Ordinance No. #2021-03). He also advised to stay safe with the heat wave expected to be in the area for an extended period of time. Haugen reported a fairly active agenda for the upcoming July 6, 2021 meeting and noted the office would be closed on July 5, 2021 in observance of the Independence Day Holiday.

ADJOURN

(Vanderwal/Jensen) Motion to adjourn. Voice vote: 9-aye, 0-nay. **MOTION CARRIED.** Chair Ford adjourned the meeting at 9:17 PM.

Rae Lynn Maher
Brookings County
Development Department