

BROOKINGS COUNTY DEVELOPMENT DIRECTOR
BROOKINGS CITY & COUNTY GOVERNMENT CENTER
520 3rd Street, Suite 200
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
ROBERT W. HILL
TELEPHONE (605) 696-8350
FAX (605) 696-8355
E-MAIL: zoning@brookingscountysd.gov

June 5th, 2018 Minutes

Brookings County Planning & Zoning Commission
June 5th, 2018 – 8:00 PM
Brookings City & County Government Center
310 Chambers

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

Chair Rochel read **agenda item # 2: Approval of minutes from Joint Brookings City/Brookings County Planning Commission Meeting and Brookings County Planning & Zoning Commission Meeting held on May 1st, 2018.** Darrell Nelson moved to approve the Joint City/County Meeting minutes. Michael McHugh second. Terrell Spence moved to approve the regular meeting minutes. Michael McHugh 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.** a) Board member Pierce asked to discuss the possible need to change the date of the July 3rd, 2018 meeting. Board members discussed and it was decided that a quorum would be reached and the meeting date would stand at Tuesday, July 3rd, 2018.

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.** No one scheduled time to address the board.

Mr. Haugen referenced to agenda item # 11. 2018cu014: Bobcat Farms RE, LLC and noted the applicant asked the item to be removed from the June agenda and moved to the July 3rd, 2018 meeting.

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

Terrell Spence announced that former Planning & Zoning Commission member Mike Olson was going to receive the 2018 Horseperson of the Year award from the SD Horse Council. Chair Rochel noted the board's congratulations.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 6: 2018var009: Vaske Farms, LLC by Jon Vaske has made an application, 2018var001 to the Brookings County Board of Adjustment 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: "NW1/4 Section 28, T109N, R47W (Elkton Township)".** 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, "Jon Vaske of Vaske Farms LLC has applied for a front yard variance to build a 16 feet wide x 30 feet long irrigation control building 80 feet from the center of 218th Street, a variance of 53 feet." Mr. Haugen then noted: 1) the building would house the well and drip-irrigation controls. 2) Applicant wanted to preserve and continue to farm as much of the farm land as possible. 3) Public Notices were published May 22 & 29, 2018 in the Brookings Register. 4) Letters were sent to adjoining landowners, Elkton Township Chairman and Clerk, Elkton City Street Supervisor and the Brookings County Highway Department. He then presented a visual presentation of the site. Chair Rochel asked Mr. Vaske to come forward and address the board. The applicant identified himself as Jon Vaske and stated, "Richard's report was thorough in his description of the project. We have installed drip irrigation in this field and the plan is to irrigate it by that means. The control house is the "brains of the operation" where the switches and electronics will be housed. Some of the additives would also be injected at this point. I have also spoken with Elkton Township on constructing another driveway to make a loop at the location to allow for unloading." Chair Rochel opened up for questions from the board. Board members McHugh, Kleinjan, Pierce, Elenkiwich and Nelson reviewed with Mr. Vaske the reason for the location selected, hardship(s) and purpose of the structure. 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: McHugh-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-nay, Rochel-aye. 8-ayes, 1-nay, motion carried.

Chair Rochel read **agenda item # 7: 2018var010: Barry Goodwin has made an application, 2018var010, 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 1 in C.M. Christensen Subdivision in Govt Lot 4 in NW1/4 Section 6, T112N, R52W (Laketon Township)" ~~ located at 307 S Lake Dr, Arlington, SD 57212.** Kimberly Elenkiwich moved to approve the variance request. Michael McHugh second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Barry Goodwin has applied for a lake front variance to replace his existing 10 feet wide x 38 feet long

June 5th, 2018

Meeting Minutes DRAFT

Page 2 of 7

deck that is in need of repair, with a 14 feet wide x 62 feet long deck.” He noted: 1) supporting posts would be 46 feet from the high water mark (a variance of 29 feet). 2) Existing deck was built in 1993 with supporting posts at 48 feet from the high water mark. 3) Steps at the north end of the deck would be at the same distance as the current ones (2 feet from the side property line, a variance of 6 feet). 4) The original owner (Jim Thoreson) was granted a variance to build the residence with a deck in the current location and setbacks on September 1st, 1993. 5) The irregular shaped lot was platted in November of 1950. 6) Hardships – shape and size of the lot. 7) Public notices were published in the Brookings Register on May 22 & 29, 2018 and in the Arlington Sun on May 24 & 31, 2018. 8) Letters were sent to adjoining landowners, Laketon Township Chairman and Clerk, Hamlin County adjoining landowners, Norden Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Mr. Goodwin to come forward and address the board. The applicant identified himself as Barry Goodwin and stated, “I believe Richard mentioned that from the existing posts that are there now we will only be 2 feet closer than where the posts are now and then the top of the deck will be out with a 2 feet cantilever out toward the water’s edge.” Chair Rochel opened up for questions from the board. Board members McHugh and Rochel asked: 1) If views of any adjacent homeowners would be obstructed and 2) Elevation of the deck. Mr. Goodwin noted: 1) No views would be obstructed. 2) Deck height would remain the same. 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. Goodwin why he wanted to build the deck longer and wider. Mr. Goodwin noted, currently it (deck) was 10 feet wide and had been built in 1993. The deck area was crowded when tables, chairs and people were using and with enlarging to 14 feet wide it would make it easier to move around and it would allow for access to the second deck area. He noted that the second deck was located on the other side of the kick-out area of the home and access was only available by going through the house or using a separate stairway access from the ground level. 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-nay, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-nay, Pierce-nay, McHugh-nay, Rochel-aye. 5-ayes, 4-nays, motion failed.

Chair Rochel read **agenda item # 8: 2018cu009: Jordan Svennes has made an application, 2018cu009, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: “Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District “A”: Section 408: Special Exception. Section 408.13: “One mobile home, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children, brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants; and Brookings County Zoning Ordinance:**

Article 11: 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 mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants. The property is described as: "S980' of E947' Exc H-2 in SE1/4 of Section 35, T111N, R50W (Sterling Township)" ~~ located at 923 54th St, Brookings, SD 57006. Lee Ann Pierce moved to approve the conditional use request. Michael McHugh second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Jordan Svennes has applied for a conditional use (special exception) to move in a new manufactured home as a secondary residence on his parent's property." He noted: 1) the parents would live in the primary residence and Jordan would live in the new manufactured home. 2) The new manufactured home would be located on the west side of the building site along 54th Street (208th Street) and will meet the setback requirements. 3) Public notices were published in the Brookings Register on May 22 & 29, 2018. 4) Letters were sent to adjoining landowners, Sterling Township Chairman and Clerk, Brookings Township Chairman and Clerk, City of Brookings Community Development Department and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Mr. Svennes to come forward and address the board. The applicant identified himself as Jordan Svennes and stated, "I am looking to put my own residence on the family farm." Chair Rochel opened up for questions from the board. Chair Rochel and board member Nelson inquired on: the applicant's occupation, assistance provided to parents, and access to the home. Mr. Svennes noted he worked in town, assisted his parents with care of horses, putting up hay and maintenance of their property. Jordan then stated, "The proposed idea is to have a separate approach which I will need to get approved by the township." Chair Rochel asked for further comments from the board, hearing none he opened up to the audience. Alternate board member Tom Davis asked, "When we put a place in like this, is allowed to be platted off in the future at some point if they wanted to sell that?" Mr. Haugen stated, "No, it (placement of a manufactured home) is only temporary and is only allowed for a family member or a hired man and cannot be rented out." He also noted the City of Brookings Development office did not have any objections to the request. Luke Muller, First District inquired as to the Ordinance of the Joint Jurisdiction area vs. County Ordinance. Mr. Haugen noted that the ordinances both read that the occupant could be an employee or a family member and were noted in the public notice and on the agenda. 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: Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, McHugh-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 9 : 2018cu012: Jim Aalbers has made an application, 2018cu012, to the Brookings County Board of Adjustment for**

June 5th, 2018

Meeting Minutes DRAFT

Page 4 of 7

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 13 Haffner Knoll Addition in Govt Lot 3 in SW1/4 Section 22, T112N, R47W (Lake Hendricks Township)" ~ located at 108 N. Lake Hendricks Dr, Hendricks, MN 56136. Kimberly Elenkiwich moved to approve the conditional use request. Darrell Nelson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Jim Aalbers has applied for a Lake-Park District conditional use to build an accessory building 40 feet (wide) x 68 feet (long) with a 12 feet sidewall (2,720 sq. ft.) to be used for storage." He noted: 1) proposed building would be located on a non-lake front lot and would meet all the setback requirements (50 feet from road, 50 feet from rear property line and 8 feet from side property lines). 2) The lot measurements were 90 feet wide x 237 feet long and had been platted November of 1978. 3) Public notices were published in the Brookings Register on May 22 & 29, 2018 and in the Hendricks Pioneer on May 23 & 30, 2018. 4) 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. Aalbers to come forward and address the board. The applicant identified himself as Jim Aalbers and stated, "I would like to put up a storage building for myself, just to store items I have. I do own the existing property to the north that has another garage, but hindsight is 20/20 and I should have built that one bigger and taller. So, I would like to put up a bigger and taller shed as I have things that are sitting outside and I like to have things stored inside." Board member Pierce noted that upcoming changes to the Zoning Ordinance would allow for 14 feet sidewalls (vs current 10 feet) and setbacks to be 25 feet front and rear (vs current 50 feet). Mr. Haugen noted the changes would go into effect on June 21, 2018 unless they were appealed before that date. Mr. Aalbers noted that he would prefer the 25 feet setback. Chair Rochel opened up for questions from the board and stated, "This looks compatible with other properties in the area." Mr. Aalbers noted the building to the north was a pole building and his proposed building would be a SIPs (Structurally Insulated Panels) type structure. 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: Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 10: 2018cu013: Mike Denning has made an application, 2018cu013, to the Brookings County Board of Adjustment for a conditional use permit, for a temporary fireworks stand. Article 13:00: Section 13.01: "LP" Lake-Park District: Conditional Use Permit # 7: "The County Zoning Commission may permit other uses which in its opinion are not detrimental to other uses and are in the general character of other uses in the LP District."** The property is described as: "Lot 1 of Kapanke Subdivision, Exc Twister's Addition & Exc Lot H-1 in E1/2 NW1/4 of

Section 6, T112N, R52W (Laketon Township)” ~ located at 45441 S. Lake Dr., Arlington, SD 57212. Kimberly Elenkiwich moved to approve the conditional use request. Michael McHugh second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Mr. Denning is not here, he is Phoenix, AZ and if we have any questions we can contact him on the phone. This is not for a temporary but a permanent conditional use permit, this will be the third time he has made this request.” He further noted: 1) Mike Denning has applied for a conditional use for a fireworks stand at Lake Poinsett which is in the Lake Park Zoning District, it would be on a leased lot, located at 45441 S Lake Dr, Arlington, SD. The area is directly southeast of Smokin’s Pub N Grub.” 2) Two temporary conditional use permits had been granted in the past (2014cu009 – valid for 1 year & 2015cu004 – valid for 3 years) for a fireworks stand. 3) In the past 4 years, no complaints or concerns had been received in the Zoning office concerning the conditional use. 4) Application was for a permanent conditional use to sell fireworks in the same location and manner as in the past and would be valid as long as the lease with the land owners (Jeff and Wendy Hanson) was maintained. 5) Letters were sent to adjoining landowners, Laketon Township Chairman and Clerk, and the Brookings County Highway Department. 6) Public notices were published in the Brookings Register on May 22 & 29, 2018 and in the Arlington Sun on May 24 & 31, 2018. Mr. Haugen then presented a visual presentation of the site. Chair Rochel opened up to questions or comments from the audience, hearing none. Chair Rochel asked for additional comments from the board. Board member Pierce, McHugh, Ford, Kleinjan and Spence discussed past concern with the parking in the area around Smokin’s, setting a time limit vs. permanent allowance of a conditional use (time limit - valid for 3 years), distance from Fireworks Tent to Smokin’s. Chair Rochel asked for additional comments from the board. Motion to amend the main motion to approve the application from permanent to 3 years made by LeeAnn Pierce, second by Michael McHugh. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried. Mr. Haugen then went over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: Ford-aye, Spence-aye, Jensen-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Rochel-aye. 9-ayes, 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 # 12: Consideration of Plats: a. 2018plat003: “Plat of Lots 20A and 21A of Al Mar Lake Hendricks Addition in Govt. Lot 6 of Section 28, T112N, R47W of the 5th P.M., Brookings County, South Dakota.”** Kimberly Elenkiwich moved to approve the plat. Randy Jensen second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “David Vik is re-platting Lots 20 and 21 into Lots 20A and 21A for a property line adjustment between the two lots. The lots meet the 20,000 square feet lot size requirement for the Lake Park District. Al Mar Lake Hendricks Addition was originally platted in October of 1978.” Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board. Board member Pierce verified that the lots would meet the current and the proposed lot requirements for the Lake-Park District. Chair Rochel opened

up for discussion from the audience, seeing none. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: Spence-aye, Jensen-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item b. 2018plat004: “Plat of Lot 1 Moen Addition in the SE1/4 and the SW1/4 of Sec 28, T112N, R47W of the 5th P.M., Brookings County, South Dakota.”** McHugh moved to approve the plat. Darrell Nelson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Leona Moen Living Trust Agreement is platting off 10.8 acres of an existing building site from 155.22 acres that they own. The plat contains a 38 feet private driveway with an access easement for ingress and egress to the farm ground on either side of the driveway.” Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board, hearing none. Chair Rochel opened up for discussion from the audience, seeing none. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: Jensen-aye, Pierce-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 13: Department Reports.** Chair Rochel asked Mr. Hill for his Director’s report. Mr. Hill discussed with the board the feasibility of the Brookings County Planning Commission/Board of Adjustment televising the meetings. Board members general consensus was that they were ok with the meetings being televised. Mr. Haugen noted board was now operating under Article 6 the new Administrative rules. He also noted that barring any appeals as of June 21 the board would be under new Ordinances for: Commercial, Industrial Districts, Lake-Park Districts, Natural Resource Districts, Flood Damage Prevention and Aquifer Protection.

Chair Rochel asked for a motion to adjourn. Michael McHugh made a motion to adjourn the meeting, Terrell Spence second.

Chair Rochel adjourned the meeting at 10:16 PM.

Rae Lynn Maher
Brookings County
Development Department.