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July 3rd, 2018 Minutes

Brookings County Planning & Zoning Commission
July 3rd, 2018 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Rochel called the meeting to order at 8:01 PM. Commission members present were: Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Terrell Spence, Michael McHugh, Randy Jensen, Chad Ford and alternate board members Tom Davis and Roger Erickson. Absent were: Lee Ann Pierce, Darrel Kleinjan.

Chair Rochel read **agenda item # 2: Approval of minutes from June 5th, 2018 meeting.** Darrell Nelson moved to approve the minutes. Roger Erickson 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) Richard Haugen added reading of Findings of Facts for denied variance request 2018var010 by Barry Goodwin.

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.

Chair Rochel read **agenda item # 5: Approval of Agenda.** Tom Davis moved to approve the agenda. Terrell Spence 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 Board of Adjustment" read the opening statement and **agenda item # 6: 2018var011: Lonnie Bayer has made an application, 2018var011, 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). Being replaced by Chapter 4.03 "LP" Lake/Park Districts: Section 4.03.03. Density, Area and Yard Regulation (Lake Front) on June 21, 2018. The property is described as: "Lot 5 of DeBoer's Lake Tetonkaha Subdivision in Govt. Lot 6 in SW1/4 of Section 8, T111N, R51W (Oakwood Township)" ~~ located at 3 E. Oakwood Shoreline Dr, Bruce, SD 57220.** 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, "Lonnie Bayer has applied for a variance to build a 10 feet x 12 feet deck onto the back of his cabin 32 feet from the highest known water mark, a variance of 43 feet. The proposed deck will meet the side setback of 8 feet." He further noted: 1) the cabin was built in 1965. 2) Area was originally platted in October 1984 and contained 5 lots and was replatted in August 2002 when 2 additional lots were added and the access road was widened. 3) Hardship – shape and size of the lot, location and date cabin constructed. 4) Public Notices were published in the Brookings Register (June 19 & 26, 2018) and in the Volga Tribune (June 21 & 28, 2018). 5) Adjoining landowners and Oakwood Township Chairman and Clerk were sent letters. Mr. Haugen then read a letter from adjoining landowners - John and Marlys Heylens and presented a visual presentation of the site. Chair Rochel asked Mr. Bayer to come forward and address the board. The applicant identified himself as Lonnie Bayer and stated, "The other cabins have decks and this cabin has been let go for 25 years and I have been fixing it up and would like to have a deck like everybody else. It won't be any closer to the lake than others and I would like to have it to enjoy when my family comes out." Chair Rochel opened up for questions from the board. Board members Davis, Elenkiwich and Chair Rochel discussed: 1) location of other property owners' decks in comparison to Mr. Bayer's. 2) Hardship – septic system location. 3) Mr. Bayer had discussed with other adjoining landowners and no negative comments had been received. 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: Erickson-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Davis-aye, Ford-aye, Spence-aye, Jensen-aye, and Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 7: 2018var012: Shaun Jensen has made an application, 2018var012 to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 4: Rear Yard: The minimum depth of a rear yard shall be fifty (50) feet. The property is described as: "Lot 1 Exc H-2 in NE1/4 Section 26, T112N, R50W (Eureka Township)" ~~ located at 20031 471st Ave, Brookings, SD 57006.** Randy Jensen recused himself. 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, "Shaun Jensen has applied for a variance to build a 36 feet diameter grain bin with the ventilation fans to be located 5 feet from the rear property line, a variance of 45 feet." He also noted: 1) Property was platted on November 28, 1934 and width of property was 275 feet. 2) Applicant planned to add an additional driveway off 200th Street to access the grain bin. 3) 3-phase power line operated by Sioux Valley Energy ran parallel to the property and recommended a safety distance of 100 feet from the grain bin to the 3-phase power line. The distance would provide for safety when moving augers and other grain handling equipment near the grain bin and the power line. 4) The adjoining landowner had no objection to the variance request of 5 feet from his property line. 5) Hardships: a. Location of 3-phase

electrical transmission line. b. Shape and size of the lot. c. Subdivision of lot in 1934. 6) Public notices were published in the Brookings Register on June 19 & 26, 2018. 7) Letters were sent to adjoining landowner, Eureka Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Mr. Jensen to come forward and address the board. The applicant identified himself as Shawn Jensen and stated, "I contacted the adjoining landowner and offered to buy some land from him, he doesn't have a problem with the request and he doesn't want to sell any land. I want to keep it as close as I can to the fence so that I can turn my truck around." He noted the field slopes off going toward the highway and he wanted to keep a safe distance from the powerlines. Chair Rochel opened up for questions from the board. Board member McHugh discussed possibility of complying with 50 feet setback. Mr. Jensen noted he may be farther than 5 feet, and he was considering layout for future expansion. Mr. Hill noted that the powerline safety issue hindered Mr. Jensen placing the grain bin closer to the road. 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. Board member Nelson stated, "A young person like this that is going to establish a grain bin site basically out in the middle of nowhere, I think the handwriting is on the wall that there will be a larger facility here someday. Picking the highest point, and easy drive thru. I believe he has been making some careful planning and I do not see any issues being too close to the neighbor's property line. With the hardship of the powerlines I believe this would be a good plan." Chair Rochel added an additional comment stating, "Darrell is correct, whenever you build a bin, there is always going to be an addition in the future." Chair Rochel 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, Davis-aye, Ford-aye, Spence-aye, Rochel-aye, and Erickson-aye. 8-ayes, 0-nays, motion carried.

Randy Jensen resumed his seat on the board.

Chair Rochel read **agenda item # 8: 2018cu015: Theresa Bennett has made an application, 2018cu015, 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 # 18: Extended home occupations: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home extended business. The property is described as: "Collins Addition in NW1/4 of Section 4, T109N, R49W. (Trenton Township)"~~ located at 47439 214th St, Aurora, SD 57002.** 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, "Theresa Bennett has applied for a permanent conditional use for an extended home business to be able to host events like vendor festivals, wedding receptions, reunions, dances, etc., at their rural residence. The applicant was granted a temporary 2 year conditional use permit (2016cu016) for an extended home business in August 2, 2016 and it

will expire on August 2, 2018.” He further noted: 1) property was located in the Brookings City/County Jurisdiction Area. 2) Business plan was on file with hours of operation being approximately 9:00 AM to 12:00 AM for various events. 3) Applicant had visited with adjoining landowners and neighbors and there were no objections to the permit. 4) Brookings City Community Director (Mike Struck) and City Planner (Staci Bungard) were consulted and had no objections to the request. 5) Brookings County Sheriff (Marty Stanwick) was also consulted and noted that no issues had occurred in the past at the facility. 6) Public Notices were published in the Brookings Register on June 19 & 26, 2018. 7) Letters were sent to the adjoining landowners, Trenton Township Chairman and Clerk. Mr. Haugen then read comments received from Larry Jensen and Norma Jensen that expressed no concerns with the business. He then presented a visual presentation of the site. Chair Rochel asked Theresa Bennett to come forward and address the board. The applicants identified themselves as Theresa and Mike Bennett and stated, “We have nothing further to add.” Chair Rochel opened up for questions from the board and added a comment to the applicant noting he applauded them for the looks and improvements to the facility. Board members Elenkiwich and Davis brought up discussion related to rebuilding in the occurrence of a disaster and if a safety plan was on file. Mr. Haugen noted that it could be reconstructed and a new building could be constructed without needing to reapply for a conditional use permit and that there was an existing safety plan on file and the board did not require a storm shelter for 500 people. Chair Rochel opened up to questions or comments from 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, Davis-aye, Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, McHugh-aye, Nelson-aye, and Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 9: 2018cu016: NorthWestern Energy by Chelsey Sheridan with Clark Engineering has made an application, 2018cu016, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: “A” Agricultural District, Conditional Use # 15: “Water pumping stations, elevated tanks and similar essential public utilities and service structures”.** The property is described as: **“VeraSun Second Addition in the S1/2, VeraSun First Addition Exc Substation Addition in the NE1/4 and Verasun Third Addition in the NW1/4 all located in Section 34, T110N, R49W (Aurora Township).”** Darrell Nelson moved to approve the conditional use request. Randy Jensen second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Northwestern Energy by Chelsey Sheridan with Clark Engineering has applied for a Conditional Use #15: “Water pumping stations, elevated tanks and similar essential public utilities and service structures to construct a new 55 feet tall utility pole to be used for advanced metering infrastructure communications.” He further noted: 1) the new system would allow the applicant to remotely monitor meters for monthly readings. 2) The gas regulator substation was located on a leased site. 3) Public notices were published in the Brookings Register on June 19 & 26, 2018. 4) Letters were sent to adjoining landowners, Aurora Township Chairman and

Clerk and the property owner and no comments were received. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Ms. Sheridan to come forward and address the board. The applicant identified herself as Chelsey Sheridan with Clark Engineering representing Northwestern Energy and stated, "Essential what NorthWestern Energy is doing is upgrading how they are reading their utility data. Right now the data is read manually by a meter reader and they would like to digitally read their data. This tower and the transmitter box will transmit collected data from the area." Chair Rochel opened up for questions from the board. Board member Nelson inquired if the antenna would be a single use, just for the purpose of reading the meters. Ms. Sheridan noted that it would be, no space would be rented out on it for other use. 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: Nelson-aye, Davis-aye, Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, McHugh-aye, Elenkiwich-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel directed Mr. Haugen to go over the additional agenda item – **Approval of Findings of Facts for denied variance-2018var010 by Barry Goodwin.** Mr. Haugen read the findings of facts and they were placed on file.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 10: Consideration of Plats: a. 2018plat005: "Plat of Block 1, Intermill Addition in the S1/2 of the SW1/4 of Section 8, T109N, R51W of the 5th P.M., Brookings County, South Dakota."** Michael McHugh moved to approve the plat. Chad Ford second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Reed Intermill is platting off 5.91 acres of an existing building site. The original 10.55 acre building site was platted off in 2002." He noted: 1) the replatted area would contain a residence and one outbuilding. 2) Balance of 4.64 acres would be added to a larger parcel. 3) All platting requirements for Agricultural Land Use according to the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use were met. Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board. Board member McHugh inquired to well and septic issues resulting from the reduced sized of the site. Mr. Haugen noted that it met the size requirement of 1 acre for a well or septic systems. Chair Rochel asked questions regarding the road and access to the properties. Mr. Haugen and Mr. Hill noted the road was a section line road and was maintained to the current second residence located north of the proposed plat. 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: Davis-aye, Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item b. 2018plat006: "Plat of Block 1, Hope Addition in the SE1/4 of Section 33, T109N, R52W of the 5th P.M., Brookings County, South Dakota."** Darrell Nelson 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, "Roy Hope is platting off 11.8 acres of an existing farmstead building site from the 160 he owns and the farmstead will use the existing driveway located on 220th Street for access to the property." He noted, all platting requirements for Agricultural Land Use according to the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use were met. 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: Ford-aye, Spence-aye, Jensen-aye, Erickson-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Davis-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item c. 2018plat007: "Plat of Tract 1 Norfeld Addition in the NW1/4 and the SW1/4 of Section 14, T111N, 48W of the 5th P.M., Brookings County, South Dakota."** Kimberly Elenkiwich moved to approve the plat. Tom Davis second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Norfeld Colony is platting off 9.81 acres of farm land for a swine finishing building site from the 480 acres they own. They will use an existing driveway located on 482nd Ave for access to the property." He noted, all platting requirements for Agricultural Land Use according to the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use were met. 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: Spence-aye, Jensen-aye, Erickson-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Ford-aye, Davis-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item d. 2018plat009: "Plat of Berdan First Addition located in Govt Lot 5 of Section 6, T112N, R52W of the 5th P.M., Brookings County, South Dakota."** Kimberly Elenkiwich moved to approve the plat. Chad Ford second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Susan Hall is platting off 3.68 acres of an existing farmstead building site from the 39.3 acres she owns. The farmstead will use the existing driveway located on US Hwy 81 for access to the property." He noted, easements for ingress and egress and drain field and that all platting requirements for Agricultural Land Use according to the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use were met. 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, Erickson-aye, McHugh-aye, Elenkiwich-aye, Nelson-aye, Davis-aye, Ford-aye, Spence-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 11: Department Reports.** Chair Rochel asked Mr. Hill for his Directors report. Mr. Hill announced "Tonight you permitted a

tower for NorthWestern Energy and there is going to be another tower located in Volga Township. That tower will be located in the County ROW (right of way) and was permitted by the Brookings County Commission. It will replace an existing pole that was put in years ago. No variance was needed. He also reminded those in attendance and board members to be safe on the 4th of July. Mr. Haugen noted progress continued on the review of sections of the Zoning Ordinance and that the upcoming August meeting agenda was getting lengthy and to prepare for a long meeting. Board member Tom Davis also noted that he would be recusing himself from the Bobcat Farms applications that would be heard at the August meeting. Board members were reminded of importance to be attendance for voting numbers needed and also discussed tentatively starting the August 7th, 2018 meeting at 7 PM vs. the normal 8 PM start time for August meetings.

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

Chair Rochel adjourned the meeting at 9:42 PM.

Rae Lynn Maher
Brookings County
Development Department.