

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF AUGUST 4, 2020 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, August 4, 2020. 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: Mike Bartley, Chad Ford, Tom Davis, Darrel Kleinjan, Kyle Vanderwal, and alternate Roger Erickson. Members that phoned in were: Michael McHugh, Darrell Nelson, alternate Spencar Diedrich and Senior Planner from First District Association of Local Governments Luke Muller. Absent was: Randy Jensen and Terrell Spence who disconnected shortly after roll call due to phone issues. 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

(Vanderwal/Davis) Motion to approve the July 7, 2020 Meeting Minutes. Roll call vote: Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Diedrich-aye, Erickson-aye, Ford-aye. **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

Nelson would recuse from vote on Item#14 - 2020cu015.

(Terrell Spence had disconnected at this time due to phone issues.)

APPROVAL OF AGENDA

(Bartley/Vanderwal) Motion to approve the agenda for the August 4, 2020 Meeting. Roll call vote: McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Davis-aye, Bartley-aye, Ford-aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2020PLAT014

For property described as "Plat of Lot 11A, Block 2, Sunset Point Addition in Govt. Lots 3 & 4 of Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota."

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Submitted by Lake Dreams LLC. Platted lot is located at Lake Hendricks and was originally platted and approved by the Zoning Commission on November 1, 2005. October 2, 2012 lots in the addition were re-platted into larger lots for tax purposes. The lot has now sold and is being re-platted into an individual lake lot, like it was originally platted in 2005.

(Vanderwal/Kleinjan) Motion to approve the plat. Roll call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, McHugh-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT015

For property described as "Plat of Lots 1-5 in Block 1 in Paradise Point Addition in Govt. Lot 2, Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota." Submitted by Lake Dreams LLC. Platted area is located on Lake Hendricks along the South Dakota/Minnesota State line. The preliminary plat was approved on August 7, 2007. Lots are platted as they are sold, are lake front lots and exceed the 20,000 sq. feet minimum lot size requirement of the Lake-Park District.

(Davis/Vanderwal) Motion to approve the plat. Roll call vote: Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, McHugh-aye, Davis-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT016

For property described as "Plat of Lot 44A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota." Submitted by Martin Comes. Plat will re-plat his lot at Lake Poinsett to the ordinary high water mark. Lake Poinsett Heights was originally platted in 1922. The lot width will remain the same.

(Bartley/Vanderwal) Motion to approve the plat. Roll call vote: Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT017

For property described as "Plat of Lot 12 of Ramlo Shores Subdivision in Govt Lot 4 in Section 21, T112N, R47W of the 5th P.M., Brookings County, South Dakota." Submitted by Ramlo Family. The lot was approved on a preliminary plat on May 1, 2001. The final plat is submitted when a lot is sold. The lot contains 21,927 sq. feet, exceeding the required 20,000 sq. feet requirement of the Lake-Park District.

(Vanderwal/Kleinjan) Motion to approve the plat. Roll call vote: Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Ford-aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

(Bartley/Davis) Motion to remove **2020VAR008** a variance by Amanda Blok from the table. All members voted "aye." Motion carried. Ford called the applicant forward. Amanda Blok and Arjan Blok came forward to update the board. Ms. Blok noted that August 4, 2020

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they now owned the land. Arjan Blok noted that they had reached an agreement with neighbors and included it in the purchase agreement that only 12 animals could be located on the property. Haugen clarified, "it was mentioned that a replat be required, but Brookings County does not require platting of property. A footage description is a legal description and accepted by the Register of Deeds." Bartley noted that requirements were met and he had no problem passing the request. A member of the audience questioned making a comment. Ford and Haugen announced that the public hearing portion had occurred at the prior meeting on July 7, 2020 and had been closed at that meeting. The meeting had been tabled to allow for the board to gather more information, which had been gathered and ask any more questions of the applicant. Bartley added, "The public hearing has been closed, that is correct, at this point it is commission questions." He addressed Ms. Blok to confirm that the purchase agreement stated a limit of animals. Haugen noted the restrictive covenants were filed with the deed and presented a visual of the papers described. Bartley noted a binding covenant was filed with the sale. Not an agreement with the neighbors. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Erickson-aye, Diedrich-aye, Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye. **MOTION CARRIED.**

2020VAR010

Application by Daniel Schaal 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 and Minimum Side Yard). The property is described as: "Lots 21-22 Exc W 2' Marvin Wade Subdivision in the NE1/4 of Section 6, T112N, R52W (Laketon Township)." ~~-located at 218 S Lake Dr, Arlington, SD 57212.

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

STAFF REPORT: Applicant is requesting a variance to build a deck 2 feet from the side property line and minor adjustment instead of 22 feet it will be 16 feet from the highest know water mark. A variance of 6 feet for the side set back and a variance of 59 feet from the highest known water mark. The existing deck/walkway is 5 feet wide x 23 feet long along the north side (lakeside) of the house and will be removed. The proposed deck will be all on one level, wheel chair accessible, and it will run along the side of the garage to the back of the house (lakeside), where it will connect to the house. The deck areas will be 14 feet wide x 37 feet long which includes a 6 feet x 15 feet walkway along the side of the garage and a small 6 feet x 18 feet deck. The property is in the floodplain. The applicant has added fill and raised up the back yard where the deck will be located. Considerations or hardships: Marvin Wade Subdivision was platted on May 24th, 1949 and shape and size of the lot. Public notices were published in the Brookings Register on July 21 and 28, 2020 and in the Arlington Sun on July 23 and 30, 2020. Office had received a comment from Annette Gering who had no objection to the variance request.

PUBLIC HEARING: Applicant Daniel Schaal was on the telephone and informed those present the deck would be a low deck with no rail and would not obstruct anyone's view.

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Proponents: None.

Opponents: None.

DISCUSSION: Davis asked if ice had ever been over the rock area (shoreline). Haugen noted the area had been raised up and no ice or water had been over the rock area. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Diedrich-aye, Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Ford-aye. **MOTION CARRIED.**

2020VAR009

Application by Raymond Konz for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Minimum Side Yard). The property is described as: "Lot 7 Point Clara Addition in SW1/4 of Section 22, T112N, R47W (Lake Hendricks Township)"~~ located at 720 S Lake Hendricks Dr, Hendricks, MN 56136.

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

STAFF REPORT: Applicant is requesting a variance to move in a used 24 feet x 36 feet garage with a 9 feet sidewall, 6 feet from the side property line, a variance of 2 feet. The proposed garage would be attached to the southeast corner of his house. The applicant has also applied for a conditional use (2020cu016) to move in the used garage. Considerations or hardships: location of the septic system and other utilities and Point Clara Addition was platted on April 2, 1975. Public notices were published in the Brookings Register on July 21 and 28, 2020 and in the Hendricks Pioneer on July 22 and 29, 2020.

PUBLIC HEARING: Applicant Raymond Konz informed those present he had nothing further to add Haugen's report.

Proponents: Haugen presented comments from adjoining landowners Vicki Kindelberger and David Kramer that had been received on August 3, 2020 noting no objection to the request for the variance or the conditional use.

Opponents: None.

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

VOTE: Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

2020CU016

Application by Raymond Konz for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6:

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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: "Lot 7 Point Clara Addition in SW1/4 of Section 22, T112N, R47W (Lake Hendricks Township)"~~ located at 720 S Lake Hendricks Dr, Hendricks, MN 56136.

(Davis/Kleinjan) Motion to approve the Conditional Use.

STAFF REPORT: Applicant is requesting a Lake-Park District conditional use to move in a used 24 feet x 36 feet garage with 9 fee sidewalls. The used garage is located at the neighbor's to the east. He is proposing attaching the garage to the southeast corner of his house. The garage was built in 2011 and the applicant applied for a variance to be closer to the side property line. Public notices were published in the Brookings Register on July 21 and 28, 2020 and in the Hendricks Pioneer on July 22 and 29, 2020.

PUBLIC HEARING: Applicant Raymond Konz informed those present he had nothing further to add Haugen's report.

Proponents: Luke Muller asked to point out the unique circumstance that he is attaching the garage to the cabin, which is a unique request but fits in well with the area. He also wanted to clarify that there was not an existing attached garage on the cabin at this time.

Opponents: None.

DISCUSSION: Board member had no questions of comments regarding the request. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

2020CU015

Application by Robert Winter for Dakota Redi-Mix LLC for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5B: Concrete Mixing Plant. The property is described as: "SE1/4 Exc H-3 & H-4 of Section 18, T109N, R49W (Trenton Township)". ~~ located at 47280 SD Hwy 324, Brookings, SD 57006.

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

STAFF REPORT: Haugen noted that Nelson had recused himself and there were 8 voting members left. Applicant is requesting an agricultural district conditional use # 5B: Concrete Mixing Plant. Report given noted the operator's site plan, business plan, hours of operation. The applicant would also need the appropriate water permit from the South Dakota Department of Environment and Natural Resources for water used at the plant. The parcel was located in the flood plain and Zone "B" of the South Dakota Aquifer Materials Map. The applicant will have to meet the "Performance Standards" listed Section 4.06.06 of the Aquifer Protection Ordinance. East Dakota Development District had reviewed the proposed plans. Public notices were published in the Brookings Register on July 21 and 28, 2020.

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PUBLIC HEARING: Applicant Robert Winter informed those present he had nothing further to add Haugen's report.

Proponents: None.

Opponents: Those present that spoke in opposition were: Kevin Telkamp and Keith Allison. Concerns voiced were: 1) Weeds and poor control adversely affecting neighboring land. 2) Concerns with truck traffic and causing road issues. Haugen noted and read thru calls, emails and letters that had been received from: Pamela Telkamp, Lisa Telkamp-Castro and Leona Telkamp. Items had been placed online and filed.

DISCUSSION: Davis asked: 1) who was currently operating the gravel pit? 2) If the location of proposed cement plant could be moved to a different area of the existing gravel pit? 3) Question of dust during processing. Robert Winter noted he and his brother each operated 1/2 of the pit. The proposed cement plant was planned to be centrally located but could be moved on the other side (west side) of road coming into the pit and dust collectors were used, and no dust escaped. Winter asked to address road concern noting that current traffic on 473rd was high due to the area roads being closed going thru town so L.G. Everist and Bowes were also using the road more. Bartley noted that if 20th Street overpass gets constructed truck traffic will greatly lessen. Bartley encouraged Winter's to closely monitor and control weeds, and noted he had no issue with proposed location and no need to move proposed plant within the pit. Bartley confirmed that a reclamation plan was on file for the pit. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Davis-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, McHugh-aye, Ford-aye. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill announced that Brookings County still had cases of Covid-19 and that the County Commission still recommended following the CDC guidelines, social distancing and also noted first death due to the virus had also occurred. He reminded everyone to remain as careful as you can, you can be a carrier and not know it, and use your best judgement. Haugen told board members to review and sign the conflict of interest memo from the county. Bartley noted if there were any questions regarding the document to discuss with him.

ADJOURN

(Vanderwal/Bartley) Motion to adjourn. All members voted "aye." **MOTION CARRIED.**
Chair Ford adjourned the meeting at 9:58 PM.

Rae Lynn Maher
Brookings County
Development Department

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