

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF SEPTEMBER 1, 2020 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, September 1, 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, Terrell Spence, and alternates Roger Erickson and Spencar Diedrich. Members that phoned in were: Michael McHugh, Randy Jensen and Senior Planner from First District Association of Local Governments Luke Muller. Absent was: Darrell Nelson. 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/Bartley) Motion to approve the August 4, 2020 Meeting Minutes. Roll call vote: Bartley-aye, McHugh-aye, Davis-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Erickson-aye, Ford-aye. **MOTION CARRIED.**

ITEMS TO BE ADDED TO AGENDA BY COMMISSION MEMBERS OR STAFF.

None added. (Haugen note that application 2020var016 was withdrew on 8-31-2020 by applicant)

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

Vanderwal would recuse from vote on 2020var011 and Davis would recuse from vote on 2020cu017.

APPROVAL OF AGENDA

(Kleinjan/Vanderwal) Motion to approve the agenda for the September 1, 2020 Meeting. Roll call vote: Davis-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Erickson-aye, Bartley-aye, McHugh-aye, Ford-aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2020PLAT018

For property described as "Plat of Lot 2A of Lake Poinsett Heights Addition, Christoffer Madsen's Subdivision in Govt Lots 3 & 4 in Section 5, T112n, R52W the 5th P.M.,

September 1, 2020

Meeting Minutes APPROVED

Brookings County, South Dakota.” Submitted by Robert Robish to re-plat his lot on Lake Poinsett to the ordinary high water mark. Width of the lot will stay the same.

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

2020PLAT019

For property described as “Plat of Lots 2B and 3A of Lake Poinsett Heights Addition, Christoffer Madsen’s Subdivision in Govt Lots 3 & 4 in Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota.” Submitted by Tena Haraldson to re-plat her lot on Lake Poinsett to the ordinary high water mark and property line adjustment between cabins on Lot 2 and Lot 3. Applicant owns both lots and lot line was adjusted slightly so that each cabin is on the appropriate lot.

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

2020PLAT020

For property described as “Plat of Soobrook Farm’s Addition in the SE1/4 of Section 20, T109N, R49W of the 5th P.M., Brookings County, South Dakota.” Submitted by Soobrook Farms, Inc. to plat off 76.6 acres from 160.0 acres of pastureland and farm ground. Platted area will contain mostly pasture and a portion of farm ground.

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

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

Davis recused himself Diedrich took seat.

2020CU017

Application by Thomas A. Davis for a conditional use. Article 11: Section 11.01: “A” Agricultural District: Conditional Use Permit # 5A: Rock Crushers. The property is described as: “E1/2 NE1/4, SW1/4 NE1/4, SE1/4 NW1/4 of Section 4, T110N, R48W (Alton Township)”.

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

STAFF REPORT: Applicant is requesting a conditional use #5A: Rock Crushers to process mined gravel. The conditional use (2020cu001) to mine gravel on the site was approved by the Board of Adjustment on February 4, 2020. No material will be allowed to be brought in to be crushed. Tom Sterzinger from Taunton, Minnesota will be the crushing operator. Haul route reviewed to be entrance/exit off 480th Ave and north to/south from 207th Street. Report given noted the operator’s site plan, business plan and reclamation plan. East Dakota Water Development District had reviewed the application

September 1, 2020

Meeting Minutes APPROVED

and documents provided by the applicant and the mine operator. Public notices were published in the Brookings Register on August 18 and 25, 2020 and the White Tri-City Star and Elkton Record on August 20 and 27, 2020.

PUBLIC HEARING: Applicant Tom Davis had nothing more to add.

Proponents: Tom Sterzinger, Crushing operator clarified that the application was for crushing not about traffic. He described the crushing process noting the process would last 3-5 weeks, dust and noise should not be a problem as would 1,000-1,500 away, and permits had been acquired by the State of South Dakota for mining. He noted concern if emergency vehicles would be needed and no admittance was allowed to the south. He asked that emergency vehicles would be allowed from the south, not for a haul route.

Opponents: Mary Bowne via telephone noted concern of entrance and exit and wanted it noted to only be one entrance and exit to the pit for mining or crushing and all traffic would go north. And cement barricades and guard rails added so that trucks could not turn south from the pit. Also wanted it noted an addendum was being added to the road agreement. She further noted that she had talked to SDDOT that as long as appropriate signage there would not be an issue with getting emergency access to the site. Aaron Bowne noted concern with county road 25 and recent number of accidents and the addition of more traffic.

DISCUSSION: Diedrich asked applicant if road agreements were signed. Davis note he had road agreements with Alton and Sherman Townships and was in the process of engineering the steep hill to the north to be cut from the current 17% to 6-7% grade to make safer and wider for traffic in the area. Bartley commented: 1) in regards to emergency vehicles, you notify dispatch (911) of your location and a plan would be filed for access. He asked crushing operator if no access from the south would be an issue. Sterzinger noted that all access would be from the North. Ford reiterated emergency route plans needed to be given to 911 dispatch. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Erickson-aye, Bartley-aye, McHugh-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Ford-aye. **MOTION CARRIED.**

Davis returned to the Commission.

2020CU018

Application by Dillon Ringling for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home Extended Business". 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.

(Davis-Vanderwal) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use for an extended home business for an event center. The site is 10 acres and consists of a residence, winery

September 1, 2020

Meeting Minutes APPROVED

building, storage shed. A proposed permanent 64 feet x 120 feet event hall would be constructed on the site in 2-3 years. The applicant plans to use a 40 feet x 120 feet tent until the permanent structure is built. Report given also noted the business plan. Public notices were published in the Brookings Register on August 18 and 25, 2020 and in the Volga Tribune on August 20 and 27, 2020.

PUBLIC HEARING: Applicant Dillon Ringling informed those present last year a similar conditional use permit had been granted, he had recently purchased the business and was reapplying with change in proposed building plans to tie into an existing structure.

Proponents: None.

Opponents: None.

DISCUSSION: Vanderwal asked how overflow traffic would be deterred from accessing the highway. Ringling noted that metal posts and chains would be in place. Findings of Facts were reviewed and completed by the board and placed on file.

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

Vanderwal recused himself Diedrich took seat

2020VAR011

Application by Dave Vanderwal 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 NW1/4 NW1/4 of Section 14, T110N, R51W (Volga Township)" ~~ located at 1206 N. Samara Ave, Volga, SD 57071.

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

STAFF REPORT: Applicant is requesting a variance to move in a used residence, 120 feet from the center of Samara Ave (464th Ave), a variance of 30 feet. The existing house will be removed and is 111 feet from the center of the road. Consideration or hardships are the shape and size of the farm yard and location of the existing well. The applicant has all the adjoining landowner signatures that are required to move in a used house onto the property. Public notices were published in the Brookings Register on August 18 and 25, 2020 and in the Volga Tribune on August 20 and 27, 2020.

PUBLIC HEARING: Applicant Dave Vanderwal informed those present due to the location of the existing well the setback couldn't be met and that the structure could possibly be placed more than 120 feet from the center of the road but exact measurement could not be determined until the old house was gone from the location.

Proponents: None.

Opponents: None.

September 1, 2020

Meeting Minutes APPROVED

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, Kleinjan-aye, Spence-aye, Jensen-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

Vanderwal returned to the Commission.

2020VAR012

Application by Matthew Lounsbery 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: "Lot 10 & W½ Lot 11 in Bortnem Beach Addition of Govt Lots 3 and 4 in Section 32, T109N, R50W (Medary Township)" ~~ located at 8948 Bortnem Beach Rd, Volga, SD 57071.

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

STAFF REPORT: Applicant is requesting a variance to build a 10 feet x 23 feet deck with support post 17 feet from the highest know water mark, a variance of 58 feet. Originally the applicant was asking for a 56 feet variance with posts at 19 feet but the applicant decided to change post location. The deck would be in line with other structures along the lake and will not obstruct the view along the lake. The cabin was built in 2003 and a variance was granted to the previous owner. Consideration or hardships are that the Bortnem Beach Subdivision was platted on June 17, 1961 and shape and size of the lot. Public notices were published in the Brookings Register on August 18 and 25, 2020 and in the Volga Tribune on August 20 and 27, 2020.

PUBLIC HEARING: Applicant Matthew Lounsbery informed those present he wanted to put a 10 feet deck on his house for visual and lake access.

Proponents: None.

Opponents: None.

DISCUSSION: Davis asked the applicant had any ice issues in the past. Lounsbery noted he had recently purchased the property and was not aware of any issues. Haugen noted there was roughly a 4 feet elevation difference from the shore to the top of the ridge where the riprap was and the lower level was a garage area. The house area was on the second floor of the structure.

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

2020VAR013

Application by Loren Hacker for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Minimum

September 1, 2020

Meeting Minutes APPROVED

Side Yard). The property is described as: "Lot 1 Charles Cove Addition in the SW1/4 of Section 22, T112N, R47W (Lake Hendricks Township)" ~~ located at 751 E Lake Hendricks Dr, Hendricks, MN 56136.

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

STAFF REPORT: Applicant was requesting a variance to build a 24 feet x 27 feet garage with a 9 feet sidewall, 4 feet from the side property line, a variance of 4 feet. The proposed garage would be attached to the 20 feet x 20 feet existing garage. Considerations or hardships are the location of existing buildings and Charlie's Cove was platted on April 2, 1976. Public notices were published in the Brookings Register on August 18 and 25, 2020.

PUBLIC HEARING: Applicant Loren Hacker informed those present property was on a hill and water runs into the current shed due to run off. He will try to put in drainage at the same time as building proposed garage to alleviate run-off issues.

Proponents: None.

Opponents: None.

DISCUSSION: Muller was consulted for input and asked for the width of area where structure to be build. Haugen noted lot was 60 feet wide x 250 feet long and proposed south edge of proposed structure would be about 28 feet from the property line. Ford discussed other possible locations for the structure on the lot. Hacker noted the Basketball court cement was too thin and would need to all be removed and re-poured to build structure on other end of the existing building and the side variance would still be needed. Kleinjan asked applicant if neighbors had any concerns. Hacker noted that no one had contacted him with concerns. Ford noted he did not see a hardship in placing the structure on the area where the basketball court was vs. the proposed location.

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

2020VAR014

Application by Brandon and Chelsea (DeKnikker) Bak for a variance. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A. Section 409.2 Front Yard: The minimum depth of the front yard shall be one hundred (100) feet and Brookings County Zoning Ordinance: Article 11: Section 11.01 "A" Agricultural District: Area Regulations # 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: "Outlot 1 in the SW1/4 of the SE1/4 of Section 3, T109N, R50W (Medary Township)" ~~ located at 632 W 32nd St S, Brookings, SD 57006.

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

STAFF REPORT: Applicants are requesting a variance to build a residential addition that requires an area 36 feet x 36 feet, 107 feet from the center of 32nd Street S (215th St), a variance of 23 feet. The property is located in the 3-Mile Brookings City/Brookings

September 1, 2020

Meeting Minutes APPROVED

County Joint Jurisdiction area and falls under the Joint City/County Ordinance and setback requirements. Considerations or hardships are shape and size of the lot, and addition would help alleviate water issues in the basement. The existing house was built in 1930 prior to current setback requirements and platted on November 9, 1972. Public notices were published in the Brookings Register on August 18 and 25, 2020.

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

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Ford asked Muller if there were any issues with being in the Joint Jurisdiction, Muller noted Haugen had presented information well. Findings of Facts were reviewed and completed by the board and placed on file.

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

2020VAR015

Application by Lisa Boulais 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 47 of DeBoer's Lake Tetonkaha West Subdivision in Govt Lot 1,4,5 & 6 in Section 7, T111N, R51W (Oakwood Township)"~~ located at 70 Oakwood Shoreline Dr, Bruce, SD 57220.

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

STAFF REPORT: Applicant is requesting a variance to build a 16 feet x 32 feet detached garage with a 10 ' sidewall, 2 feet and 5 feet from the side property line, a variance of 6 feet and 3 feet. The proposed garage will be 9 feet from the existing house. Considerations or hardships are the location of the existing buildings and the septic system. Public notices were published in the Brookings Register on August 18 and 25, 2020 and in the Volga Tribune on August 20 and 27, 2020.

PUBLIC HEARING: Applicant Lisa Boulais was on the telephone and informed those present she had nothing further to add.

Proponents: None.

Opponents: None.

DISCUSSION: Davis, Vanderwal and Haugen discussed the closeness of the proposed structure to adjoining property and the applicant's residence and concerns of possible fire hazard. Muller and board members discussed and noted requirement of firewall and sheet rocking of entire interior the other proposed structure as per building code. Hill noted of there was an issue with drainage of water it would be a civil issue.

September 1, 2020

Meeting Minutes APPROVED

McHugh disconnected at the end of the discussion prior to vote.

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

2020VAR016 – WITHDREW BY APPLICANT (8-31-2020)

DEPARTMENT REPORTS

Muller noted that he and Todd Kays would be delivering a presentation via zoom at the South Dakota Association of County Officials Conference. Update on how to implement changes from State Senate Bill 159.

Hill announced Ad Hoc Drainage Meeting was held on Aug. 24, 2020 and more meetings would be held. He discussed the possibility of townships having lists of culverts in the townships and sending a letter to townships regarding this information.

Haugen told possibly of beginning again in November with joint meetings with the City to continue review of the Joint Jurisdiction Ordinance section.

ADJOURN

(Bartley/Vanderwal) Motion to adjourn. All member voted “aye.” **MOTION CARRIED.**
Chair Ford adjourned the meeting at 10:25 PM.

Rae Lynn Maher
Brookings County
Development Department