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### October 1, 2019 Minutes

Brookings County Planning & Zoning Commission  
October 1, 2019 – 8:00 PM  
Brookings City & County Government Center  
310 Chambers

Chair Elenkiwich called the meeting to order at 8:00 PM. Commission members present were: Mike Bartley, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael McHugh, Randy Jensen, Tom Davis and alternate board member Roger Erickson. Absent was Chad Ford.

Chair Elenkiwich read **agenda item # 2: Approval of minutes from September 3, 2019 meeting.** Mike Bartley moved to approve the minutes. Terrell Spence second. Chair Elenkiwich called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Robert Hill noted nothing additional.

Chair Elenkiwich 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 Elenkiwich read **agenda item # 5: Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.** None.

Chair Elenkiwich read **agenda item # 6: Approval of Agenda.** Darrel Kleinjan moved to approve the agenda. Michael McHugh second. Chair Elenkiwich called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Elenkiwich stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 7: Consideration of Plats: a. 2019plat016: "Plat of Block 1, Trooien Addition in Govt. Lot 8 and the E1/2 of the NE1/4 of Section 12, T112N, R48W of the 5th P.M., Brookings County, South Dakota."** Tom Davis moved to approve the plat. Mike Bartley second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Trooien Land Co. is platting off 56.57 acres of an existing building site and farm ground from the 132.887 acres they own." He noted: 1) the farmstead would use

the existing driveway located on 484<sup>th</sup> Ave for access to the property. 2) Property platted due to irregular property boundaries. 3) The plat met the platting requirements for the 2016 Comprehensive Plan Unincorporated Rural Area Land Use on page 24 for Agricultural Land Use. Mr. Haugen used visuals to describe the plat. Chair Elenkiwich opened up for questions from the board, hearing none. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item b. 2019plat017: “Plat of Lots 8, 9, 10 & 11; and Cedar Pointe Circle Right of Way; All in Cedar Pointe Addition in Govt. Lot 3 of the NW1/4 of Section 28, T109N, R50W of the 5th P.M., Brookings County, South Dakota.”** Randy Jensen moved to approve the plat Roger Erickson second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Keith Rounds is platting off Lots 8, 9, 10 and 11; and Cedar Pointe Circle Right of Way, located on the northwest side of Lake Campbell.” He noted: 1) The preliminary plat was approved by the board on June 2, 2009. 2) The land was sold to Mr. Rounds and he was proceeding with development as planned with minor adjustments – 3 lots were added to the west and a drainage/green space area was designated on west site, Circle turn around radius was increased to 64 feet radius for fire truck access and main entrance width was increased. 3) Lots are being platted as they are sold 4) Lots all exceeded 20,000 sq. feet requirement for Lake-Park District: Lot 8-21,503 sq. ft.; Lot 9-21,879 sq. ft.; Lot 10-51,678 sq. ft.; Lot 11-44,529 sq. ft. 5) Application plans had been submitted for review and approval for Historical, Corp of Engineers and Game, Fish and Parks. 6) Plat met Brookings County Subdivision Ordinance and Lake Park requirements. Mr. Haugen used visuals to describe the plat. Chair Elenkiwich opened up for questions from the board, hearing none. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents. Luke Muller from First District Association of Local Governments noted Mr. Rounds left a buildable footprint on the lots and also improved space concerns for fire department. Chair Elenkiwich asked the board for questions or comments. Board member Bartley clarified with Mr. Rounds that the lots were being platted as they were being sold. Chair Elenkiwich then called for a roll-call vote: McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Spence-aye, Erickson-aye, Jensen-aye, Bartley-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item c. 2019plat018: “Plat of Lot 13 in Block 1 in Paradise Point Addition in Govt. Lot 2, Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota.”** Mike Bartley moved to approve the plat Michael McHugh second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Lake Dreams is platting off Lot 13 in Paradise Point, located on the east side of Lake Hendricks, right along the South Dakota/Minnesota state line.” He noted: 1) the

preliminary plat for Paradise Point was approved by the board on August 7, 2007. 2) The lots are platted as they are sold. 3) Lot 13 contained 25,176 sq. ft. which exceeding the minimum lot size platting requirement of 20,000 sq. ft. in the Lake-Park District. 4) Plat met the Brookings County Subdivision Ordinance and Lake-Park requirements. Mr. Haugen used visuals to describe the plat. Chair Elenkiwich opened up for questions from the board, hearing none. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Spence-aye, Erickson-aye, Jensen-aye, Bartley-aye, McHugh-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 8: 2019var011: Don Clelland has made an application, 2019var011, to the Brookings County Board of Adjustment 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 49A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W (Laketon Township)" ~ located at 114 S. Lake Dr., Arlington, SD 57212.** Darrell Nelson moved to approve the variance request. Terrell Spence second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Don Clelland, has applied for a variance to build a 28 feet x 28 feet residence with an 28 feet wide x 17 feet 6 inch long covered deck. The outer support post of the deck is 28 feet from the highest known water mark, a variance of 47 feet." He noted: 1) lake front setbacks are 75 feet from the high water mark. 2) Proposed residence will meet the road and side setback requirements. 3) The existing residence was removed, as it was not structurally sound. 4) Proposed residence foundation wall would be 42 feet from highest known water mark and would be located farther back and higher in elevation than the previous residence. 5) Proposed residence would not obstruct shoreline views of either adjoining landowner. 6) Hardships and consideration were – shape and size of lot, date when lot was platted (September 1, 1922) and replatted to ordinary high water mark (August 2019). 7) Letters were sent to adjoining landowners and the Laketon Township Chairman and Clerk. 8) Public notices were published in the Brookings Register on September 17 & 24, 2019 and in the Arlington Sun on September 19 & 26, 2019. Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked Mr. Clelland to come forward and address the board. The applicant identified himself as Don Clelland and stated, "We have had this place for twenty (20) years and this is the third time the water got to us so it had to come down. We are wanting to build a new one back up the hill." Chair Elenkiwich opened up for questions from the board, hearing none. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing. Chair Elenkiwich asked for additional comments from the board. Board member Davis discussed the proposed location and the highest the water had been at the location and what

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the deck support would be constructed of. Mr. Clelland noted the elevation would be 8 feet higher than the original cabin had been and the deck would be constructed of wood. Chair Elenkiwich noted the proposed deck would be roughly 28 feet from the water. Board member Nelson clarified the proposed cabin would be farther back than the original cabin had been from the lake. Chair Elenkiwich noted the site was also at a higher elevation. Hearing no further comments Chair Elenkiwich asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Bartley-aye, McHugh-aye, Davis-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 9: Department Reports.** Chair Elenkiwich asked Mr. Hill for his Directors report. Mr. Hill announced: 1) Planners Conference on October 16 & 17, 2019 in Brookings and invited board members that wished to attend to contact the office. 2) Collecting damages for possible FEMA aid on damages from the September 9-26, 2019 rain event. He urged those that had damage to call 211 to report the damages. Data would be turned into Pierre by Monday, October 7, 2019. Tuesday, October 8, 2019 the Brookings County Commission would be declaring Brookings County in a State of Emergency for the 2019 September Flooding Event. Mr. Hill asked that Luke Muller give a report regarding the Joint Jurisdiction Subcommittee Meetings. Luke Muller gave a brief summary of work being done and proposed timeline for the review, work session and possible adoption of the Joint Jurisdiction section of the Ordinance that had been drafted by the Joint Jurisdiction Subcommittee. Mr. Hill noted to prepare for a wet winter and be prepared for a wet spring. Mr. Haugen reminded board members that starting in November the meetings would be at 7 PM and the meeting start times would run thru March.

Chair Elenkiwich read **agenda item # 10: Executive Session, if Necessary.** Chair Elenkiwich noted no need for executive session.

Chair Elenkiwich asked for a motion to adjourn. Bartley made a motion to adjourn the meeting, McHugh second.

Chair Elenkiwich adjourned the meeting at 8:53 PM.

Richard Haugen  
Brookings County  
Development Department.