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October 2nd, 2018 Minutes

Brookings County Planning & Zoning Commission
October 2nd, 2018 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Rochel called the meeting to order at 8:02 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael McHugh, Randy Jensen, Chad Ford and alternate board members Tom Davis and Roger Erickson. Absent was: Kimberly Elenkiwich. Also in attendance Luke Muller.

Chair Rochel read **agenda item # 2: Approval of minutes from September 4th, 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.** No items were added.

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.** Richard Haugen asked that the agenda be amended and item #9 Consideration of Plats be moved to be heard while still under the Planning & Zoning Commission, before Board of Adjustment agenda item #6. Lee Ann Pierce moved to approve the agenda as amended. Terrell Spence second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 9: Consideration of Plats: a. 2018plat020: "Plat of Block 1, Trulock Addition in the NW/4 of the SW1/4 of Section 25, T112N, R48W of the 5th P.M., Brookings County, South Dakota."** Randy Jensen 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, "Dennis Trulock is platting off a 7.4 acres existing farmstead building site from the 120 acres, he owns, located at 20060 483rd Ave, White, SD. 57276. The

farmstead will use the existing driveway located on 483rd Ave for access to the property. The plat meets the platting requirements for the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use statement on page 24 for Agricultural Land Use.” Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: Pierce-aye, McHugh-aye, Erickson-aye, Nelson-aye, Kleinjan-aye, Spence-aye, Ford-aye, Jensen-aye, Rochel-aye. 9-ayes, 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: 2018var019: Molly Knutzen has made an application, 2018var019, 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 (Lake Front). The property is described as: “Lot 10 of Klinefelter’s Addition in the NE1/4 of Section 28, T109N, R50W (Medary Township)” ~ located at 7140 Sunset Road, Brookings, SD 57006.** Michael McHugh moved to approve the variance request. Randy Jensen second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Molly Knutzen has applied for a lake front variance to build a 41’ x 48’ residence with a 12’x 48’ deck on the lakeside of the house. The outer supporting post of the deck will be 55 feet from the highest know water mark. A variance of 20 feet.” He noted: 1) Outside wall of proposed residence would be 67’ from highest known water mark, 10 feet farther way than the previous structure. 2) Existing septic system would be used for the proposed residence. 3) Lot size was 100’ wide x 153’11”long with a 40’ wide road easement, leaving buildable area of the lot at 100’ x 113’11”. 4) A portion of the property was in the flood plain and applicant was in the process of completing the requirements to have the property removed from the flood plain. 5) The applicant had the prior residence and detached garage removed from the property. 6) Lot was platted in December 1965, prior to the current zoning ordinance setback requirements. 7) Hardships: location of the existing septic system, water and telephone lines (utilizes). 8) Public notices published in the Brookings Register – September 18 & 25, 2018. 9) Letters were sent to the adjoining landowners, and the Medary Township Chairman and Clerk. 10) Phone call had been received from Sharon and Skip Webster noting no objection to the variance request – board members were given a copy and he (Mr. Haugen) read the comment. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked the applicant to come forward and address the board. The applicant identified herself as Molly Knutzen and stated, “I think Richard did an excellent job and I think he pretty much covered everything. In order to use the existing or even put in a new septic we can’t do that with the telephone lines, and the utilities are where they are, and meet the State requirements for the septic system without pushing the structure back 10 feet.” Chair Rochel opened up for questions from the board. Board member Pierce asked if the lot was now a bare lot. Ms. Knutzen noted that it now was a bare lot. Chair Rochel asked for further comments from the

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board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked for additional comments from the board. Board member Pierce stated, "The 75 foot setback is for the protection of the lake, it is an environmental issue to protect the lake quality. The lot is bare and if you are building a new house and a new garage, maybe if you need to move an electrical wire or whatever, you can do that. There isn't really a hardship here, this is just convenience to not meet the setbacks that are required by our ordinance." Board members Nelson and Pierce discussed: 1) distance of proposed new residential structure vs. the past structure from the lake 2) past structure was under old zoning ordinances 3) Septic system 4) use and size of the proposed residence 5) proposed deck did not meet current zoning ordinance. Mr. Haugen and Ms. Knutzen noted that the proposed structure was 10 feet farther away from the lake than the past residence and would be a year around residence. Mr. Haugen added that the current septic system could be used per DENR regulations, but as soon as the system was no longer functional it would need to be replaced with a sealed holding tank. He also noted the proposed deck would be off the second floor level as the residence had a walk-out basement planned. Chair Rochel added that if voted down there would be a 6 month wait in order to reapply or a structure could be build that would meet all the setback requirements. 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, Erickson-nay, Nelson-nay, Kleinjan-aye, Ford-aye, Spence-nay, Jensen-nay, Pierce-nay, Rochel-aye. 4-ayes, 5-nays, motion failed.

Chair Rochel read **agenda item # 7: 2018cu025: Vance Goodfellow has made an application, 2018cu025, to the Brookings County Board of Adjustment for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: 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 2 Goodfellow Addition in the N1/2 NE1/4 of Section 18, T111N, R51W (Oakwood Township)" ~~ located at 46075 204th St, Bruce, SD 57220.** Roger Erickson 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, "Vance Goodfellow has applied for a Lake-Park conditional use #6 to build an accessory building 80 feet wide x 120 feet long with 18 feet sidewalls (9,600 sq. ft.) to be used for storage and a shop for use by the applicant." He further noted: 1) proposed building would be on a parcel that was partially located in both the Lake Park District and Agricultural District. 2) Proposed structure's location would be in the Lake Park District and would meet the non-lake front setback requirements of 25 feet from the road, 25 feet from the rear property line and 8 feet from the side property lines. 3) The property was located southwest of Lake Oakwood on a combined 40 acre parcel and contained an established building site. 4) The applicant also had a conditional use for a home extended business – campground and lodging house on the property. 5) Public notices were published in the Brookings Register on

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September 18 & 25, 2018 in in the Volga Tribune on September 20 & 27, 2018. 6) Letters were sent to the adjoining landowners, Oakwood Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked the applicant to come forward and address the board. The applicant identified himself as Vance Goodfellow and stated, "I like to keep things clean and tucked away, that's the best location, and it's close to the road. I did about a year and a half or two years ago work with the Brookings County Highway Department and did get approved for a driveway. This was a working farm back in the day. This is an existing location and the best location for me to keep things tucked away. I don't want to use an old 1920 granary but upgrade and get my equipment inside." Chair Rochel opened up for questions from the board. Board members Jensen and Erickson asked: 1) would there be any bathrooms in the proposed building? 2) Would there be a 2nd floor in the building and why the need for the 18 feet height vs. the current Lake Park District allowing for 14 feet side wall? Mr. Goodfellow indicated that at some time he may put in bathroom and could tie into to an existing drainfield and that he would not put in a second floor at this time. He noted he wanted to get campers and tractors in the building and possibly could with a 14 foot sidewall but was thinking of future possible size needs. Chair Rochel asked for further comments from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked for additional comments from the board. Board members Pierce, Kleinjan and Chair Rochel discussed: 1) the size of the proposed building square footage being 4 times bigger than Lake Park allowed and sidewalls being 4 feet more than allowed. 2) Issues with the parcel being located in both the Lake Park and Agricultural District. Board member asked that Mr. Goodfellow change the sidewall height he requested to be 16 feet. 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-nay, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Pierce-nay, Rochel-aye, McHugh-aye. 7-ayes, 2-nays, motion carried.

Chair Rochel read **agenda item # 8: 2018cu026: Bobcat Farms RE, LLC by Barry Kerkaert has made an application, 2018cu026, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5B: Concrete Mixing Plant. The property is described as: "N1/2 of the NE1/4 Section 6, T110N, R47W (Richland Township)"**. 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, "Bobcat Farms RE, LLC by Barry Kerkaert has applied for an agricultural district conditional use #5B: Concrete Mixing Plant. The concrete mixing plant will be temporary with an anticipated ending date of December 31, 2018, weather permitting. He noted: 1) permit maybe extended by the Zoning Office until June 30, 2019 and would be noted in the findings of facts. 2) Concrete mixing plant would be used for concrete during the construction of the Bobcat Farms RE, LLC swine facility. 3) Water

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supply was on site. 4) Road agreement with the township was completed. 5) Public notices were published in the Brookings Register on September 18 & 25, 2018 and in the Elkton Record on September 20 & 27, 2018. 6) Letters were sent to the land owner, adjoining land owners, Richland Township Chairman and Clerk, and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked the applicant to come forward and address the board. Lora Hopp-Hansen came forward and identified herself noting that she was with the management company for Bobcat Farms RE, LLC and was representing Barry Kerkaert as he was unable to be at the meeting. She also introduced, Jerry Wernimont a representative of Alewelt Concrete that was handling the site construction. "I do not have anything to add, I think Richard summarized the need for the temporary concrete mixing plant in order to build the CAFO." Chair Rochel opened up for questions from the board. Board member Pierce asked about the location of the temporary plant (crop ground) and wanted the area to be returned to the original farmable condition once the construction was completed. Chair Rochel asked for further comments from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked for additional comments from the board. Board member McHugh discussed the location of supplies such as aggregate being on or off site. Mr. Wernimont noted aggregate and Portland cement would be coming from off-site suppliers. 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, McHugh-aye, Rochel-aye, Erickson-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 10: Department Reports**. Chair Rochel asked Mr. Hill for his Directors report. Mr. Hill and Luke Muller discussed with the board the need to have draft minutes available within 10 days of having a meeting. Board discussed posting draft minutes or audio within the timeline. It was decided to post watermark dated draft minutes online within 10 days. Mr. Hill announced that 2 board members terms were expiring the end of the year (Terrell Spence and Darrel Kleinjan) and reminded them of the application deadline if they chose to reapply for the positions. Mr. Hill asked Luke Muller to summarize what would be presented at the upcoming SDPA (South Dakota Planners Association) Conference that would be in Huron, SD on October 17 & 18, 2018. Board members wishing to attend were to let the office staff know so that registrations could be made. Mr. Hill also presented the board with and noted the media press release from the Sheriff's Department reminding motorists of safety during harvest season.

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

Chair Rochel adjourned the meeting at 9:12 PM.

Rae Lynn Maher
Brookings County
Development Department.

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