

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF OCTOBER 5, 2021 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, October 5, 2021. Those in attendance were in person or via phone. The following members were present: Chad Ford, Mike Bartley, Michael McHugh, Spencar Diedrich, Darrel Kleinjan, Kyle Vanderwal, Neil Trooien, Randy Jensen, and alternates Roger Erickson and Dale Storhaug. Absent was: Brian Gatzke. Also present were: Deputy Director Richard Haugen, County Development Director/Emergency Manager Robert Hill. Phoning in was: Senior Planner from First District Association of Local Governments Luke Muller.

CALL TO ORDER

Chair Ford called the meeting to order at 8:00 PM

APPROVAL OF MINUTES

(McHugh/Vanderwal) Motion to approve the September 7, 2021 Special Joint Planning and County Commission Meeting Minutes & September 7, 2021 Meeting Minutes. All present voted 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

None.

APPROVAL OF AGENDA

(Diedrich/Bartley) Motion to approve the agenda for the October 5, 2021 Meeting. All present voted aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2021PLAT016

For property described as "Plat of Lots 1, 2, 3 & 4 of Lot B Haffner Addition in Government Lots 2 & 3 in the SE1/4 of the SW1/4 of Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota." Submitted by Brookings Built Green Inc by Dustin Hendrickson to plat property into 4 lots on the south east side of Lake Hendricks. The property currently is a 9.64 acre parcel with an existing house and two detached garages. It will be divided into: Lot 1 – 20,340 sq. ft.; Lot 2 – 20,987 sq. ft.; Lot 3 – 22,868 sq. ft. and lot 4 – 308,089 sq. ft. All lots exceed the 20,000 square feet requirement. Current driveway with access easement runs along the south side of the property.

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(Vanderwal/Trooien) Motion to approve the plat. Roll call vote: Bartley-aye, McHugh-aye, Erickson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2021VAR016

Application by Lance Intermill 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: "Block 1A, Intermill-Misar Addition in the SE1/4 of Section 12, T110N, R51W (Brookings Township)".

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

STAFF REPORT: Applicant is requesting a front yard variance to build a new residence 100 feet from the center of the road. A variance of 33 feet. The road in front of the property is 210th Street, a Brookings Township gravel road. The applicant expressed concerns that he would like to preserve as much of the shelterbelt as possible. Report noted: 1) Current building site containing 60.4 acres was subdivided from the rest of the quarter in September 2021. 2) Property is located in the floodplain and proposed new residence would need to meet the "Brookings County Floodplain Ordinance" requirements for building in the floodplain. Public notices were published in the Brookings Register on September 21 and 28, 2021 and the Volga Tribune on September 23 and 30, 2021. Letter were sent to the adjoining landowners, Brookings Township Chairman and Clerk and Brookings County Highway Department.

PUBLIC HEARING: Applicant Lance Intermill informed those present he had nothing to add.

Proponents: None.

Opponents: None.

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

VOTE: McHugh-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021VAR017

Application by Daniel and Elizabeth Skordahl 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: "S 667' of E 708' of NE1/4 of Section 9, T110N, R47W (Richland Township)". ~~ located at 20947 487th Ave, Elkton, SD 57026.

(Diedrich/Erickson) Motion to approve the Variance request.

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STAFF REPORT: Applicants are requesting a front yard variance to build a house addition 75 feet from the center of 487th Avenue. The required front yard setback is 133 feet. Hardships noted were a cistern on the west side of house, septic system located to the northwest corner of the house. Side and rear setbacks would be met. Public notices were published in the Brookings Register on September 21 and 28, 2021 and the Elkton Record on September 23 and 30, 2021. Letters were sent to the adjoining landowner's, Richland Township Chairman and Clerk.

PUBLIC HEARING: Applicant Daniel Skordahl informed those present he had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Ford asked if any trees would be removed and applicant noted that they would need to remove some trees in the area. Findings of Facts were reviewed and completed by the board, concurred with by Diedrich and placed on file.

VOTE: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, McHugh-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021VAR018

Application by Matthew Aas 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 12 of DeBoer's Lake Tetonkaha West Subdivision in Govt. Lots 1,4,5 and 6 in Section 7, T111N, R51W (Oakwood Township)"~~ located at 25 Oakwood Shoreline Dr, Bruce, SD 57220.

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

STAFF REPORT: Applicant is requesting a variance to build a new residence with the northeast corner of the attached garage 31'8" from the highest known water mark (HKWM), a variance of 43'4". Report noted: 1) Southeast corner of the house would be 67'6" from the HKWM as the lot gets wider as it goes south. 2) Front yard 25' and side yard 8' setbacks would be met. 3) Property was located in the floodplain and a Flood Plain Development Permit would be needed and FEMA Floodplain standards for building in the floodplain would need to be followed. 4) Existing drainage culvert that goes under the road and across the lot and drains into Lake Tetonkaha (West Oakwood). A vested drainage right was on file for the adjoining property to the west. The applicant would like to relocate that portion of the drainage culvert to the northern portion of his property. This variance request does not pertain to any aspect of the drainage situation, it is for information only. The Brookings County Development Office has been in contact with the South Dakota Department of Agriculture and Natural Resources, South Dakota Game, Fish and Parks and the Army Corps of Engineer's on the proposed relocation of the drainage culvert, it has been determined that the landowner does not need a permit from the above agencies to relocate the drainage culvert, as long as the outlet of the drainage culvert is above the Ordinary High Water Mark (OHWM) for the lake. 5) The applicant has a "Shoreline Modification" project that he is doing at this time that was approved by the South Dakota

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Department of Game, Fish and Parks. Hardship or consideration being the shape and side of the lot. Lake lots and cabins have been existed on Lake Tetonkaha (aka Lake Oakwood) since the 1930's and 40's prior to zoning requirements. DeBoer Lake Tetonkaha West Subdivision was originally platted in 1984, it was re-platted in June of 2003, when the original road was vacated and relocated. Public notices were published in the Brookings Register on September 21 and 28, 2021 and the Volga Tribune on September 23 and 30, 2021. Letters were sent to the adjoining landowner's, Oakwood Township Chairman and Clerk.

PUBLIC HEARING: Applicant Matthew Aas noted the shape of the lot didn't allow enough space for the offset of the new structure.

Proponents: Contractor Dustin Kopman informed those present they worked with Andrew Kangas from CDI to put together the site plan and would complete the paperwork required to get the structure out of the floodplain. He noted the new monster block retaining wall was a heavy long-term wall and everything behind would be above the ordinary high water mark.

Opponents: Dennis DeBoer noted he was neutral and read a prepared statement. He noted the online report for the variance request didn't pertain to any aspect of the drainage situation. He disagreed and noted concerns with the drainage culvert.

DISCUSSION: Board member Bartley asked that Haugen give clarification of the culvert relocation, whose responsibility and final result if any issues. Bartley noted Brookings County did not have a Drainage Ordinance. Haugen noted that Brookings County had rescinded the Drainage Ordinance, meaning you do not need a permit from the county to install, move drainage, it is civil legal matter between parties if there is an issue. Haugen noted that DeBoer's had brought in information on a vested drainage right and it was on file in the Zoning office and Register of Deed Office. Bartley noted it was a complicated issued and understood DeBoer's concern, and he asked if Aas had discussed the situation/concern with the DeBoer's. He further noted it was not part of the board approval but asked to hear more of Mr. Aas's plan. Mr. Aas noted he had previously spoken to Mr. DeBoer and proposed the culvert be moved about 10 feet, the outlet of it, the location coming into his property would not change. The outlet changed a slight bit and a new culvert was put back in place as the old one was rusted and caved in. Mr. Aas understood if there were any issues with water backing up onto the DeBoer's land it would be a civil issue between the parties. He noted he would make sure the new culvert would not get plugged as it would cause an issue on his own property if it would become plugged. Bartley noted that this discussion was a matter of record to note that parties would cooperate and any issues would be a civil issue and not involve the Zoning board.

Findings of Facts were reviewed and completed by the board, concurred with by Vanderwal and placed on file.

VOTE: Erickson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU017

Application for Willmott Gravel by Chad Willmott for a conditional use for a "Construction and Demolition Debris Disposal site. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 26: "The County Zoning Commission may permit other uses which, in its opinion, are not

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detrimental to other uses and are in the general character of the Agricultural District". The property is described as: "NW1/4 Exc H-1 & Exc S338' of W850'; and Exc N486' of S824' of W305'; & Exc N236' of S574' of E74' of W379' in Section 14, T111N, R49W (Afton Township)". ~~ located at 47633 SD Hwy 30, White, SD 57276.

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

STAFF REPORT: The applicant is requesting a conditional use #26 for a "Construction/Demolition Debris Disposal site". The site would be approved, permitted and monitored by the South Dakota Department of Agricultural and Natural Resources, Waste Management Division. The type of material to be brought in is limited to what is listed on the state application and only those approved materials could be brought in to the site. The report noted: 1) Applicant would allow cement, bricks, rocks and wood material to be brought into the site. 2) Applicant would be the only one hauling in material to be disposed of during the hours of 8:00 AM - 5:00 PM. 3) Access to site is off SD Hwy 30 and is located in a mined out portion of a gravel pit. 4) Area to be filled is not in the floodplain, but is in Zone "B" of the Well head map for White. Jay Gilbertson from East Dakota Water District reviewed the proposed request and had no objections to the request. Letters were sent to adjoining landowners, Afton Township Chairman and Clerk and the South Dakota Department of Transportation. Public Notices were published in the Brookings Register on September 21 and 28, 2021 and in the White Tri-City Star on September 23 and 30, 2021.

PUBLIC HEARING: Applicant Chad Willmott informed those present he had nothing further to add.

Proponents: None.

Opponents: None.

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

VOTE: Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Erickson-aye, Diedrich-aye, Kleinjan-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU018

Application for Winter Contracting, LLC by Nick Winter for a conditional use for a "Gravel mining operation". Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # .4: "Sand, gravel or quarry operation, mineral exploration and extraction" and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The property is described as: "SE1/4 Exc H-3 of Section 7, T109N, R49W (Trenton Township)." ~~ located at 4314 34th Ave S, Brookings, SD 57006.

(McHugh/Erickson) Motion to approve the Conditional Use.

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STAFF REPORT: The applicant recently purchased the property and the former owner was approved for conditional use 2021cu004 for a gravel mining operation on May 5, 2021, the applicant was the mine operator. The applicant would like to continue the mining operation. The report noted: 1) Portion of the property was in the Floodplain and entire parcel was in Zone "B" of the Aquifer Materials Map of Brookings County. 2) If storage of on-site petroleum products exceeding 55 gallons - to be elevated with secondary containment and meet "Performance Standards" of the Brookings County Aquifer Protection Ordinance and Joint Jurisdiction Ordinance. 3) bordering roads – Interstate 29 on the west, 44th Street South (216th St) on the south (Trenton Township gravel road), Brookings County blacktop road #21 (aka-34th Ave S or 473rd Ave) on the east and the adjoining northwest quarter of Section 7 on the north. 4) Road agreement with Trenton Township on file for 44th St S (216th Street). 5) Business plan – noting hours of operation (7:00 AM - 7:00 PM Monday thru Saturday), berms, weed control, entrance and exit, maintenance of natural waterway, mining expected to be completed in 15 years, and included a reclamation plan. 6) If change in mine operator, the applicant and the new mine operator will need to abide by the terms of this conditional use permit, if it is approved. 7) Applicant also applying for a crushing permit – 2021cu019. 8) Jay Gilbertson from East Dakota Water District and Brookings City Community Development Office reviewed proposed request/application and had no objections to the conditional use request. Letters were sent to adjoining landowners, Trenton Township Chairman and Clerk and the Brookings County Highway Department. Public Notices were published in the Brookings Register on September 21 and 28, 2021.

PUBLIC HEARING: Applicant Nick Winter informed those present he had nothing further to add.

Proponents: None.

Opponents: None.

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

VOTE: Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Erickson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU019

Application for Winter Contracting, LLC by Nick Winter for a conditional use for a "Rock Crushers". Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # .5: "Rock crushers, concrete and asphalt mixing plants" and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5A: "Rock Crushers". The property is described as: "SE1/4 Exc H-3 of Section 7, T109N, R49W (Trenton Township)." ~~ located at 4314 34th Ave S, Brookings, SD 57006.

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

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STAFF REPORT: The applicant recently purchased the property and the former owner was approved for conditional use 2021cu005 for a rock crushing operation on May 5, 2021, the applicant was the crushing operator. The applicant would like to continue the crushing operation. A portion on the property is in the Floodplain and the entire parcel is in the Zone "B" of the Aquifer Materials Map of Brookings County. If storage of on-site petroleum products exceeding 55 gallons, will need to be elevated with a secondary containment and meet the "Performance Standards" of the Brookings County Aquifer Protection Ordinance and Joint Jurisdiction Ordinance. The report noted: 1) bordering roads – Interstate 29 on the west, 44th Street South (216th St) on the south (Trenton Township gravel road), Brookings County blacktop road #21 (aka-34th Ave S or 473rd Ave) on the east and the adjoining northwest quarter of Section 7 on the north. 2) Crushing site would be on the south side of the property, west of the existing building site. 3) Business plan – noting hours of operation (7:00 AM - 7:00 PM Monday thru Saturday), entrance and exit off Brookings County Highway road #21, with a secondary entrance off 44th Street South (216th Street) 4) If the crushing operator changes, the applicant and the new operator will need to abide by the terms of this conditional use permit, if it is approved. 5) Jay Gilbertson from East Dakota Water District and Brookings City Community Development Office reviewed proposed request/application and had no objections to the conditional use request. Letters were sent to adjoining landowners, Trenton Township Chairman and Clerk and the Brookings County Highway Department. Public Notices were published in the Brookings Register on September 21 and 28, 2021.

PUBLIC HEARING: Applicant Nick Winter informed those present he had nothing further to add.

Proponents: None.

Opponents: None.

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

VOTE: Jensen-aye, Bartley-aye, Erickson-aye, McHugh-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU020

Application by James Butler for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # Use # 20: Home Extended Business". The property is described as: "Outlot 1 of the SE1/4 SW1/4 of Section 27, T110N, R49W (Aurora Township)"~~ located at 47548 213th St, Aurora, SD 57002.

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

STAFF REPORT: This is an "After the Fact", conditional use application as the applicant has an unpermitted concrete contracting business and a portable volumetric cement mixing truck, where the cement powder and aggregate are loaded on the truck, driven to the project site, mixed on site and distributed. The report noted: 1) Cement powder storage tower and aggregate and related material stored on the acreage site. 2) Separate driveway used for the cement

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business. 3) Access is off 213th St (Brookings County black top road 18A). 3) Business plan – Hours of operation 6:00 AM – 6:00 PM and seasonally from March to November (depending on weather). 4) The applicant has “General permit to operate under the air quality operating program for a portable concrete plant in South Dakota.” issued by the South Dakota of Agriculture and Natural Resources. 5) The site is not is the flood plain, but is in the Zone “B” of the Aquifer Materials map. The Aquifer Protection ordinance does allow for conditional uses in the underlying district (property is zoned “Agricultural”) as long as the “Performance Standards” are met. Letters were sent to the adjoining landowners, Aurora Township Chairman and Clerk and the Brookings County Highway Department. Public Notices were published in the Brookings Register on September 21 and 28, 2021.

PUBLIC HEARING: Applicant James Butler informed those present he had nothing to add.

Proponents: None.

Opponents: None.

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

VOTE: Bartley-aye, McHugh-aye, Erickson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU021

Application by Marvin Post for a conditional use. Article 11: Section 11.01: “A” Agricultural District, Conditional Use # 16: “One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants. The property is described as: “N956’ of E508’ of E1/2 W1/2 of Section 32, T110N, R51W (Volga Township)” ~~ located at 46145 213th St, Volga, SD 57071.

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

STAFF REPORT: The applicant is requesting a conditional use to move in a used mobile/manufactured home as a secondary residence on the property he owns for a family member (grandson) to live in. The report noted: 1) Existing residence would be occupied by hired man. 2) If approved, they would need to get adjoining landowner’s signature of approval for a used manufactured home, before a building permit would be issued. Public Notices were published in the Brookings Register on September 21 and 28, 2021 and in the Volga Tribune on September 23 and 30, 2021. Letters were sent to adjoining landowners, Volga Township Chairman and Clerk.

PUBLIC HEARING: Applicant Marvin Post informed those present he had nothing to add.

Proponents: None.

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Opponents: None.

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

VOTE: McHugh-aye, Erickson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2021CU022

Application by Terry McCutcheon and Mark Engen for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 16: "One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants. The property is described as: "McCutcheon Addition in N1/2 SW1/4 of Section 15, T109N, R50W (Medary Township)" ~~ located at 21672 469th Ave, Brookings, SD 57006.

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

STAFF REPORT: The applicants are requesting a conditional use to move in a mobile/manufactured home as a secondary residence on property owned by Terry McCutcheon. The report noted: 1) Terry's daughter and son in law (Mark Engen) would live in the second home (manufactured home). 2) The Engen's plan to purchase the property in the future and are also on the application so that when they purchase the property, the conditional use will be in place for both parties to stay living on the parcel. Terry will stay in the existing house. 3) The property is in the Floodplain and will need to follow the building permit requirements for building in the floodplain. Public Notices were published in the Brookings Register on September 21 and 28, 2021. Letters were sent to adjoining landowners, Medary Township Chairman and Clerk and the Brookings County Highway Department.

PUBLIC HEARING: Applicant Mark Engen informed those present he had nothing to add.

Proponents: None.

Opponents: None.

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

VOTE: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Erickson-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

DISCUSSION AND AMENDING OF FINDINGS OF FACTS

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Discussion and Amending of Findings of Facts for Conditional Use Permit # 2015cu014 issued to Mark Engen on November 3, 2015. The property is described as: "E382' of S888' & S238' of W398' of E780' of SW1/4 SE1/4 Section 28, T110N, R50W (Brookings Township)." ~~ located at 1900 W 8th St S, Brookings, SD 57006.

(Diedrich/Kleinjan) Motion to discuss and amend findings of facts.

STAFF REPORT: This was discussed with the States Attorney for recommendations on the changes to the Findings of Facts. Mr. Engen was approved for a conditional use permit in 2015, 2015cu014, for a dog kennel/boarding located at his residence. The conditional use request (2021cu022) that was just heard and approved was for Mr. Engen to reside at different location (father-in-law's place). The Engen's would no longer live in the residence where the conditional use (2015cu014) was located. After review with the State's Attorney's office it was determined that he could move off and as long as an employee or co-worker/vested business partner of the business reside in the residence the permit would be valid. This evening we are amending the Findings of Facts to allow for the applicant Engen, employee or vested business partner to live in the residence on the site, it could not be rented out.

PUBLIC HEARING: Mark Engen noted that it was in their best interest to have an employee live on the site to allow for the business to continue to operate as usual.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed, revised and completed by the board. Diedrich concurred with the amendments to the findings of facts and were placed on file.

VOTE for motion to reconsider the Findings of Facts. Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Erickson-aye, Diedrich-aye, Kleinjan-aye, Ford-aye. 9-aye, 0-nay.

MOTION CARRIED.

(Vanderwal/Diedrich) Motion to approve revised Findings of Facts as recommended.

DISCUSSION: Board members had no questions or comments regarding recommended changes.

VOTE to accept revised Findings of Facts. Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, McHugh-aye, Diedrich-aye, Kleinjan-aye, Erickson-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill noted that two board member's terms were up in December and reminded them to turn in the application if they would like to continue to serve on the board. He reminded all to practice safety during this busy time of year with hunting, harvest and seasonal weather changes.

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Haugen reported that the County Weed Department had completed review of the Gravel Pits in the county. He displayed the report for review, noting all had good compliance. He reminded the board that November thru March meeting start times would be 7:00 PM. Possibility of having a joint work session with the City in November to continue discussion and review of the Joint Jurisdictional Area Ordinance. Also a reminder, terms of Michael McHugh and Kyle Vanderwal were done at end of the year and to turn in application if they would like to reapply to the board. Bartley announce that Denny Carmichael had resigned from his position as Weed Enforcement & Bio Control Officer and would not be returning next year. He noted Thanks to Denny for his great job.

Luke Muller reminded the board that the SD Planners Conference was October 26-28, 2021 in Rapid City. He noted that future plans were to meet jointing with City prior to meeting the months that allowed, to talk about: 1) the area of Joint Jurisdiction, 2) what was discussed, settled January 2020 and Administrative section. 3) Jump into Aquifer Protection District – Board members had been given the Draft of the Joint Jurisdiction and were to review before November. Muller would send notice of page numbers for the board to review.

Board member Kleinjan asked the status of the deck issue that was discussed at the end of the September meeting. Haugen noted SD Game, Fish & Parks had been notified and the office was awaiting a reply.

ADJOURN

(Erickson/Bartley) Motion to adjourn.

Chair Ford adjourned the meeting at 10:12 PM.

Rae Lynn Maher
Brookings County
Development Department