

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF MARCH 7, 2023 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, March 7, 2023. The following members were present: Chad Ford, Mike Bartley, Darrel Kleinjan, Tim Paulson, Spencar Diedrich, Kyle Vanderwal, Neil Trooien, and Randy Jensen, and alternates Roger Erickson and Dale Storhaug. Absent was Brian Gatzke. Also present were County Development Director/Emergency Manager Robert Hill, Deputy Director Richard Haugen, and via phone Senior Planner from First District Association of Local Governments Luke Muller.

CALL TO ORDER

Chair Ford called the meeting to order at 7:28 PM

APPROVAL OF MINUTES

(Diedrich/Vanderwal) Motion to approve the February 7, 2023, 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

(Trooien/Diedrich) Motion to approve the agenda for the March 7, 2023 Meeting. All present voted aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2023VAR001

Application by Daniel Hamilton 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; Area Regulation # 4: Rear Yard: The minimum depth of a rear yard shall be fifty (50) feet. The property is described as: "Lot 1 of NE1/4 of Section 30, T109N, R52W (Lake Sinai Township)" ~~ located at 45496 218A St, Arlington, SD 57212.

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

STAFF REPORT: Applicant is requesting a front yard variance to build a 28' x 32' detached garage 70' from the center of 455th Ave, a variance of 13' and a rear setback of 20 feet from the rear property line, a variance of 30 feet. Report noted: 1) Lot was a

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nonconforming lot with a setback of 83' from the center of the road, a corner lot will have two front yards and a rear setback of 50', front roadside setback would be met. 2) Site was an old school site, that was platted in 1931. 3) Consideration: The drain field for the septic system prevents the applicant from meeting the 83' setback from the center of 455th Ave. Public notices were published in the Brookings Register on February 21 and 28, 2023 and the Volga Tribune on February 23 and March 2, 2023. Letters were sent to adjoining landowners, Lake Sinai Township Chairman and Clerk.

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

Proponents: None.

Opponents: Haugen presented comment received from adjoining landowner Gary Jensen that noted he would never agree to any variance to build closer than 50' from his property.

DISCUSSION: Board member Kleinjan asked the applicant to identify the hardship for the rear yard request. The applicant noted there was no hardship, he just wanted to stay in tree line to block wind and keep out of view from 455th Avenue and 218th Street. Kleinjan noted the neighbor was opposed and asked that the applicant remove the rear variance request. The applicant noted he would remove the rear variance request. The applicant asked that the record note there was no major issue with the rear setback other than the comment in the letter. Findings of Facts were reviewed, completed by the board, concurred with by Diedrich and placed on file.

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

2023CU004

Application by Teresa Holloman for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home Extended Business". The property described as: "S1/2 of S1/2 of NE1/4 Exc W2000' of Section 2, T109N, R49W (Trenton Township)" ~~ located at 21437 477th Ave, Aurora, SD 57002.

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

STAFF REPORT: The applicant is requesting a conditional use permit # 20, for an extended home business for her "small children's boutique business" to be located in an existing 30' x 112' insulated accessory building with a bathroom on her property. The report also noted: 1) The driveway and parking area on the south side of the building is poured concrete. 2) Currently her business is in the City of Brookings, she would like to relocate when her lease is up on May 15, 2023. 3) Business plan noted hours of operation, approximate number of deliveries per week 4) Location on 477th Ave (Trenton Township gravel road), 2 ½ miles south of US Hwy 14 or 2 ½ miles north of SD Hwy 324. Applicant had visited with Trenton township about her extended home business. 5) Public notices were published in the Brookings Register on February 21 and 28, 2023. 6) Letters were sent to the adjoining landowners, Trenton Township Chairman and Clerk.

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PUBLIC HEARING: Applicant Teresa Holloman informed those present she 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: Paulson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Storhaug-aye, Bartley-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED**

2023CU002

Application by Dan Ackerwold for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The property described as: "E1/2 of W1/2 of SW1/4 of Section 25, T109N, R50W (Medary Township)" ~~ located at 47122 219th St, Brookings, SD 57006.

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

STAFF REPORT: The applicant is requesting a conditional use permit # 4, he wants to dig ponds for his fish/bait farm and sell the mined material. The property is not in the floodplain but is in the Zone "B" of the Aquifer Materials Map. Report noted: 1) Ponds would be 10-15' deep with a 4 to 1 slope around the edges for safety. Berms would be constructed around the outside perimeter of mining area. 2) Business plan: Hours of operation – 6:30AM – 6:30 PM; weeds and dust control applied as needed; proposed mining for 5 – 10 years; when mining complete ponds would be used for fish/bait farm; mining contractor would be used to mine the gravel; entrance and exit would be off 219th St (Brookings Co Hwy #22). 3) Applicant has a mining permit from the South Dakota Department of Agriculture and Natural Resources. 4) Applicant also applying for additional conditional permits to: process the mined gravel (2023cu003) and haul in used concrete to crush and mix with mined gravel (2023cu007). Letters were sent to the adjoining landowners, Medary Township Chairman and Clerk. Public notices were published in the Brookings Register on February 21 and 28, 2023.

PUBLIC HEARING: Applicant Dan Ackerwold informed those present he had nothing to add.

Proponents: None.

Opponents: Barbara Telkamp spoke in opposition, noting concerns with water issues, neighborhood houses, and noise. She noted that an important landmark also stood near

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the area, and that it identified the Medary townsite, where the city of Medary had once been and that signs of the town were still visible.

DISCUSSION: Board member Ford asked if the land went under water when the river area flooded. The applicant noted portions of the parcel had several inches of water on it in 2019 otherwise for the past 20 years it was more often than not dry. Findings of Facts were reviewed and completed by the board, concurred with by Bartley and placed on file.

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

2023CU003

Application by Dan Ackerwold for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 5A: "Rock crushers". The property is described as: "E1/2 of W1/2 of SW1/4 of Section 25, T109N, R50W (Medary Township)" ~~ located at 47122 219th St, Brookings, SD 57006.

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

STAFF REPORT: The applicant is requesting a conditional use # 5A: "Rock Crusher", to process the mined gravel on the site. The report noted: 1) Business plan: Hours of operation – 6:30AM – 6:30 PM; weeds and dust control applied as needed; proposed crushing for 5 – 10 years; crushing contractor would be used to crush/process the gravel; entrance and exit would be off 219th St (Brookings Co Hwy #22). 2) Applicant also applying for additional conditional permit (2023cu007) to haul in used concrete to crush and mix with mined gravel. Letters were sent to the adjoining landowners, Medary Township Chairman and Clerk. Public notices were published in the Brookings Register on February 21 and 28, 2023.

PUBLIC HEARING: Applicant Dan Ackerwold noted he wanted to properly apply for any permits need. Haugen clarify that this crushing permit application was for crushing of material mined on the site, permit 2023cu007 would be for crushing of material brought onto the site.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Storhaug asked for clarification of the location of the site in relation to the Medary monument. Haugen noted it was East of 471st Ave (Brookings Co #77) Ackerwold noted that they have no intention of mining any closer to the corner area across from the monument. Board member Ford verified with the applicant that the existing ponds were currently being used for the fish farm. Board member Diedrich asked for location clarification of where the crushing would take place. The applicant noted it would only be on the east 40 acres not on the west 40 acres. Findings of Facts

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were reviewed and completed by the board, concurred with by Diedrich and placed on file.

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

2023CU007

Application by Dan Ackerwold for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 5A: "Rock crushers". The property described as: "E1/2 of W1/2 of SW1/4 of Section 25, T109N, R50W (Medary Township)" ~~ located at 47122 219th St, Brookings, SD 57006.

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

STAFF REPORT: The applicant is requesting a conditional use # 5A: "Rock Crushers", to haul in used concrete to crush and mix with the crushed gravel. The report noted: 1) Business plan: Hours of operation – 6:30AM – 6:30 PM; weeds and dust control applied as needed; proposed crushing for 5 – 10 years; crushing contractor would be used to crush/process the gravel; entrance and exit would be off 219th St (Brookings Co Hwy #22). Letters were sent to the adjoining landowners, Medary Township Chairman and Clerk. Public notices were published in the Brookings Register on February 21 and 28, 2023.

PUBLIC HEARING: Applicant Dan Ackerwold informed those present he had nothing to add.

Proponents: None.

Opponents: Barbara Telkamp assisted by Robert Hill noted she strongly disagreed with bring in concrete, had issues with the noise of crushing, and was concerned with the noise issue for the neighbors of the area.

DISCUSSION: Board members Kleinjan and Ford discussed why the need for the additional permit and research on boring of samples. The applicant noted crushing of product mined onsite or the concrete brought on to the site would only be done until the ponds are ready to be used for fish/bait, no further crushing would take place once ponds were established. The main focus would be to make ponds for the fish/bait farm, not operate a crushing operation. Haugen noted the application was requested by the contractor to use if needed. If not used within 3 years it would be void. 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, Storhaug-aye, Bartley-aye, Paulson-aye, Diedrich-aye, Kleinjan-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

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2022CU005

Application by Tom and Joe Davis for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 4: "Sand, gravel or quarry operation, mineral exploration and extraction". The property described as: "NE1/4 of NW1/4 Exc N470' of W405' thereof, all in Section 36, T111N, R48W (Sherman Township)".

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

STAFF REPORT: The applicants are requesting a conditional use permit # 4 for sand, gravel or quarry operation, mineral exploration. The property is not in the floodplain but is in the Zone "B" of the Aquifer Materials Map. The report noted: 1) As part of the reclamation plan, the black dirt would be removed and stockpiled to be put back on after mining was completed. Berms would be constructed along the southern edge to prevent run off into the lower area. 2) Business plan: Hours of operation – 6:30AM – 6:00 PM; weeds and dust control applied as needed; proposed mining for 10 years; when mining complete black dirt would be put back and mined area seeded to grass; mining contractor would be used to mine the gravel; entrance and exit would be off 207th St (Brookings Co Hwy #25). 3) A mining permit from the South Dakota Department of Agriculture and Natural Resources would be needed. 4) Applicant was also applying for an additional conditional permit to process the mined gravel (2023cu006). Letters were sent to the adjoining landowners, Sherman Township Chairman and Clerk and the Brookings County Highway Department. Public notices were published in the Brookings Register on February 21 and 28, 2023 and the White Tri-City Star on February 23 and March 2, 2023.

PUBLIC HEARING: Applicant Tom Davis and Mining Contractor Tom Sterzinger informed those present they would need to: 1) add an entrance/exit off 207th St (Brookings Co Hwy #25) to the site. 2) Per Western Area Power Administration they would need to stay 150-200 feet from the center of the tower currently located on the parcel. 3) Primary purpose for the mining is to create some sand to use for bedding in a couple of hoop barns and a monoslope building to avoid the need for so many corn stalk bales. 4) Plan to mine twenty thousand (20,000) to twenty-five thousand (25,000) tons, market salting sand and possibly sell material for a possible laydown yard.

Proponents: None.

Opponents: None.

DISCUSSION: The Board decided to stipulate setback to be two hundred (200) feet from the center of the existing tower. Findings of Facts were reviewed and completed by the board, concurred with by Bartley and placed on file.

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

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2022CU006

Application by Tom and Joe Davis for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 5A: "Rock crushers". The property described as: "NE1/4 of NW1/4 Exc N470' of W405' thereof, all in Section 36, T111N, R48W (Sherman Township)".

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

STAFF REPORT: The applicants are requesting a conditional use permit # 5A for "Rock Crushers" to process the mined sand/gravel. The southern edge of the property is in the floodplain, but the crushing area is not. The balance of the property is in the Zone "B" of the Aquifer Materials Map. The report noted: 1) Business plan: Hours of operation – 6:30AM – 6:00 PM; weeds and dust control applied as needed; proposed crushing for 10 years; when crushing complete black dirt would be put back and mined area seeded to grass; crushing contractor would be used to process the sand/gravel and would need to apply for a crushing permit from the South Dakota Department of Agriculture and Natural Resources; entrance and exit would be off 207th St (Brookings Co Hwy #25). 2) The applicant was also applying for an additional conditional permit to mine gravel (2023cu005). Letters were sent to the adjoining landowners, Sherman Township Chairman and Clerk and the Brookings County Highway Department. Public notices were published in the Brookings Registers on February 21 and 28, 2023 and the White Tri-City Star on February 23 and March 2, 2023.

PUBLIC HEARING: Applicant Tom Davis and Mining Contractor Tom Sterzinger informed those present for twenty thousand (20,000) ton the crushing would take approximately 2 weeks.

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: Jensen-aye, Bartley-aye, Paulson-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooiën-aye, Storhaug-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

BRAD ADAMS ADDRESSES BOARD.

Brad Adams and Pat Schwebach introduced themselves. Mr. Adams discussed with the board his idea for use of land he and his sibling own that is north of Brookings along Brookings County Hwy #77. The proposal was for commercial storage units consisting of 135 outside (uncovered) units and 444 enclosed and 24 covered units. Chair Ford noted that the site would need to be rezoned to Commercial or an application for a conditional use home extended business. Hill noted that a home extended business option would not work as storage would be for items other than the person residing on the site. Adams

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had presented plans that included details and site map to the board for their review and information was also placed on file. He identified a building for living, office and shop. Board, staff and Muller noted further review would be needed of the County Ordinance, Land Use plan, Rezoning to Commercial – if allowed, criteria, area of transition, location. Adams noted he had no timeline. Hill advised Mr. Adam’s to allow at least two weeks for the office to review and then stop in to discuss findings.

DEPARTMENT REPORTS

Hill reported: 1) a request had been received to cultivate marijuana in Brookings County, a reply was given and copy of Ordinance 2021-08 was sent that specifically states dispensaries are allowed after state approved but anything that is not in the zoning ordinance is prohibited, and cultivation of marijuana is not in the ordinance. 2) Flooding outlook – the more snow the more chance and currently Brookings County was in the minor category and Watertown was in the moderate category, nothing out on the Bruce gauge. 3) Big snow to come to the area on Thursday this week, it was not to be a blizzard but be prepared for a snow event.

Haugen reported: 1) April meeting starts at 8 PM 2) Ordinance subcommittee tentatively set to meet March 30, 2023. 3) Each board member would be given a copy of the updated Joint Jurisdiction Zoning Ordinance at the next meeting.

ADJOURN

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

Rae Lynn Maher
Brookings County
Development Department