

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF MAY 3, 2022 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, May 3, 2022. The following members were present: Chad Ford, Mike Bartley, Darrel Kleinjan, Brian Gatzke, Spencar Diedrich, Kyle Vanderwal, Neil Trooien, and Randy Jensen, and alternates Roger Erickson and Dale Storhaug. The board also has 1 vacant seat in District 3 to fill. Also present were Deputy Director Richard Haugen, and via phone Senior Planner from First District Association of Local Governments Luke Muller. County Development Director/Emergency Manager Robert Hill was absent.

CALL TO ORDER

Chair Ford called the meeting to order at 8:02 PM

APPROVAL OF MINUTES

(Diedrich/Gatzke) Motion to approve the April 5, 2022, 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

(Vanderwal/Trooien) Motion to approve the agenda for the May 3, 2022 Meeting. All present voted aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

2007-02 REVISED SUBDIVISION ORDINANCE

Haugen noted this was a public hearing and presented a report noting it was an update to the subdivision Ordinance in sections where: 1) the name of county offices/officials and state agencies had changed – Treasurer or Auditor to **Finance Officer**, South Dakota Department of Environment to **Agriculture** and Natural Resources. 2) updating the definition of: “Corner Lot”, and “Violation and Penalties”. 3) updates to preliminary and final platting requirements. 4) adding to reference of eighty (80) rods (**1/4 mile**) 5) correction of titling of Section 4.04 to be **Curbs and Gutters**.

(Diedrich/Gatzke) Motion to approve updates to 2007-02 Revised Subdivision Ordinance. Roll call vote: Bartley-aye, Storhaug-aye, Gatzke-aye, Diedrich-aye, May 3, 2022

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Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Ford-aye. 9-aye, 0-nay.
MOTION CARRIED.

CONSIDERATION OF PLATS

2022PLAT006

For property described as “Plat of Tract 1 in the SE1/4 of Section 34, T112N, R48W of the 5th P.M., Brookings County, South Dakota.” Submitted by Troy Murphy to plat off 14.365 acres from 160 acres he owns. Access will be off 202nd St, a Sherman Township gravel road. This will be the future site of a swine feeding operation. The parcel does not meet the 35-acre requirement, so a residence is not allowed.

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

2022PLAT008

For property described as “Plat of Lot 1 of Lucinda Olson Addition in the SE1/4 of the SE1/4 of Section 17, T112N, R49W of the 5th P.M., Brookings County, South Dakota.” Submitted by Lucinda Olson to plat off an existing 10.4 acre building site from the 40 acres she owns. The building site access is off 199th St, an Argo Township gravel road.

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

2022PLAT009

For property described as “Plat of Lots 19A & 20A DeWitts Subdivision, being a replat of the S1/2 of Lot 16 and all of Lots 17, 18, 19 & 20 of DeWitts Subdivision of Govt. Lots 3 & 4 of Section 33, T109N, R50W of the 5th P.M., Brookings County, South Dakota.” Submitted by Bauer Family Revocable Trust to re-plat their 5 lake lots into, two, 20,000 sq ft or more lake lots. Lot 20A with 20,000 sq ft has the existing house on it and Lot 19A with 24,461 sq ft will be the future site of a new residence. Both lots meet the size requirements and are in the flood plain. Floodplain Development building practices will apply to both lots.

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

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2022VAR009

Application by Bryan Hall 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 9 of DeBoer’s Lake Tetonkaha West May 3, 2022

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Subdivision in Govt Lots 1,4,5 & 6 of Section 7, T111N, R51W (Oakwood Township)" ~~ located at 22 Oakwood Shoreline Dr, Bruce, SD 57220.

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

STAFF REPORT: The applicant is requesting a side yard variance for a 12' wide x 18' long portable shed to be 2 feet from the side property line, a variance of 6 feet (required setback is 8 feet). Report noted: 1) 25' front roadside setback would be met. 2) 8' x 8' portable shed had previously occupied the location on the side property line. 3) Considerations: shape and size of the lot, Lot was originally platted in 1984, re-platted June 2003 when original road was vacated and relocated. Public notices were published in the Brookings Register on April 19 & 26, 2022 and the Volga Tribune on April 21 & 28, 2022. Letters were sent to adjoining landowners, Oakwood Township Chairman and Clerk.

PUBLIC HEARING: Applicant Bryan Hall informed those present he had nothing to add.

Proponents: Copies of a note from Jeff Jacobson stating "no concerns with situation" received by the office on May 3, 2022, prior to the meeting were distributed to board members and put on file.

Opponents: None.

DISCUSSION: Board member Bartley inquired on sidewall height (8 feet sidewalls). Findings of Facts were reviewed, completed by the board, concurred with by Diedrich and placed on file.

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

2022VAR010

Application for Brian Brenner by Dustin Kopman of Caliber, LLC 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 and Minimum Side Yard). The property is described as: "Lot 34 of DeBoer's Lake Tetonkaha West Subdivision in Government Lot 1,4,5 and 6 in Section 7, T111N, R51W (Oakwood Township)" ~~ located at 52 Oakwood Shoreline Dr, Bruce, SD 57220.

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

STAFF REPORT: The applicant is requesting a side yard variance and lake side variance for a new residence. The lake side setback will be 37.5 feet from the highest known water mark to the support post of a covered lake side open porch, a variance of 37.5' (required setback is 75 feet). The side yard setback will be 5 feet from the north property line for a window well, a variance of 3 feet. A 40' long x 30' tall retaining wall/sidewalk along the garage to the front door will be 6 feet from the south property line, a variance of 2 feet. Report noted: 1) Shoreline modification was done August of 2022 with approval from the South Dakota Game, Fish & Parks, and a building permit from Brookings County. 2) Property located in floodplain and building in floodplain

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guidelines will need to be followed. 3) Considerations: Shape and size of the lot. Public notices were published in the Brookings Register on April 19 & 26, 2022 and the Volga Tribune on April 21 & 28, 2022. Letters were sent to adjoining landowners, Oakwood Township Chairman and Clerk.

PUBLIC HEARING: Applicant Dustin Kopman and Brian Brenner informed those present they had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Diedrich asked for depth of window wells and safety requirements. Findings of Facts were reviewed, completed by the board, concurred with by Gatzke and placed on file.

VOTE on Lake front setback (37.5'): Vanderwal-aye, Trooien-aye, Jensen-aye, Bartley-aye, Storhaug-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

VOTE on Side yard setback (5' north, 6' south): Trooien-aye, Jensen-aye, Bartley-aye, Storhaug-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2022CU009

Application by Dennis Reifers for a conditional use permit. 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 1 of Lot 47 Al Mar Lake Hendricks Addition in Govt Lot 5 of Section 21, T112N, R47W (Lake Hendricks Township)" ~~ located at 48630 200th St, Hendricks, MN 56136.

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

STAFF REPORT: The applicant is requesting a conditional use permit in the Lake-Park District for an accessory building 45 feet (wide) x 64 feet (long) with 14-foot sidewalls (2,880 sq. ft) to be used for storage. Report noted: 1) Proposed building would cover two existing shipping container storage structures. 2) Location would be on a non-lake front lot and all setback requirements would be met. 3) Lot size is 84,386 sq ft (1.9 acres). Public notices were published in the Brookings Register on April 19 & 26, 2022 and the White Tri-City Star on April 21 & 28, 2022. Letters were sent to adjoining landowners, Lake Hendricks Township Chairman and Clerk.

PUBLIC HEARING: Applicant Dennis and Mary Reifers informed those present they 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: Jensen-aye, Bartley-aye, Storhaug-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

DEPARTMENT REPORTS

Haugen noted on June 13, 2022, at 6 PM a special joint meeting would be held with the city planning commission. It would be a public hearing on proposed changes to the Joint Jurisdiction Ordinance. He also reminded everyone to be safe and aware with the start of the planting season, noting 1 incident of a fertilizer truck overturning had recently occurred in the county. Hill absent as he was away attending FEMA Training in Anniston, AL. Luke Muller had nothing to add.

ADJOURN

(Diedrich/Bartley) Motion to adjourn. Chair Ford adjourned the meeting at 9:06 PM.

Rae Lynn Maher
Brookings County
Development Department