

**BROOKINGS COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES OF SEPTEMBER 5, 2023    REGULAR PLANNING & ZONING MEETING**

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, September 5, 2023. The following members were present: Mike Bartley, Tim Paulsen, Spencar Diedrich, Kyle Vanderwal, Neil Trooien, Randy Jensen, and alternate Roger Erickson. Absent were Chad Ford, Darrel Kleinjan, Brian Gatzke, and alternate Dale Storhaug. 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**

Acting Chair Diedrich called the meeting to order at 9:00 PM

**APPROVAL OF MINUTES**

(Vanderwal/Bartley) Motion to approve the August 1, 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**

(Paulson/Trooien) Motion to approve the agenda for the September 5, 2023 Meeting. All present voted aye. **MOTION CARRIED.**

**CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION**

**CONSIDERATION OF PLATS**

**2023PREPLAT013**

For property described as “Plat of Lots 13, 14 and 15 in Cedar Pointe Addition in Govt Lot 3 of the NW1/4 of Section 28, T109N, R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota. “Submitted by Keith Rounds for Cedar Pointe LLC a preliminary plat for back lots of Cedar Pointe addition on Lake Campbell. Cedar Pointe Addition lake front lots were platted on October 8, 2019. The preliminary plat for the lake front and non-lake front lots for Cedar Pointe Addition were approved on June 2, 2009, by the Brookings County Planning and Zoning Commission, with the back lot being 1 large lot. The applicant has purposed having three (3) non-lake front lots instead of 1. The purposed 3 lots meet the platting requirements of Brookings County Subdivision Ordinance and Brookings County Zoning Ordinance for the Lake Park District. Lots 13-14 & 15 meet

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and exceed the 20,000 square foot size requirement, be it noted that Lot 13 is a corner lot, and the front yard will be off Cedar Pointe Circle to the north, to meet the non-lake front setback requirements. Lot 13 will not meet the setback requirements, if the front yard was on the west side off the cul-de-sac and a variance would not be granted. Applicant Keith Rounds was present and had nothing to add.

(Vanderwal/Paulson) Motion to approve the plat. Roll call vote: Bartley-aye, Paulson-aye, Vanderwal-aye, Erickson-aye, Trooien-aye, Jensen-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

#### **2023PLAT014**

For property described as “Plat of Lots 1A and 2A of Highland Addition, in Government Lot 4 of Section 28, T109N, R50W of the 5th P.M., Brookings County, South Dakota.” Submitted by Elliott and Susan Filler to replat Lots 1 and Lot 2 of Highland Addition to become Lots 1A and 2A of Highland Addition for a lot line adjustment. Lot 1A contains 17.89 acres and Lot 2 A contains 2.18 acres. The original plat of Lot 1 was platted on May 11, 1994, and Lot 2 was platted on February 10, 1999.

(Jensen/Bartley) Motion to approve the plat. Roll call vote: Paulson-aye, Vanderwal-aye, Erickson-aye, Trooien-aye, Jensen-aye, Bartley-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

#### **2023PLAT015**

For property described as “Plat of Lots 13, 14 and 15 in Cedar Pointe Addition in Govt Lot 3 of the NW1/4 of Section 28, T109N, R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota.” Submitted by Keith Rounds for Cedar Pointe LLC for the back lots of Cedar Pointe Addition on Lake Campbell. The lake front lots were platted on October 8, 2019. The preliminary plat for this plat was heard and was approved. Lots 13, 14, and 15 meet the platting requirements of Brookings County Subdivision Ordinance and Brookings County Zoning Ordinance for the Lake Park District. The 3 lots meet and/or exceed the 20,000 square foot size requirement, be it noted that Lot 13 is a corner lot, the front yard will be off Cedar Pointe Circle to the north, to meet the non-lake front setback requirements. Lot 13 will not meet the setback requirements, if the front yard is on the west side off the cul-de-sac and a variance would not be granted. Applicant Keith Rounds was present and had nothing to add.

(Trooien/Paulson) Motion to approve the plat. Roll call vote: Vanderwal-aye, Erickson-aye, Trooien-aye, Jensen-aye, Bartley-aye, Paulson-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

### **CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT**

#### **2022VAR009**

Application by Lowell Kruse 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

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as: "W1/2 NW1/4 Lying North of Lot H-2 in Section 8, T111N, R48W (Sherman Township)"  
~~ located at 47904 SD Hwy 30, White, SD 57276.

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

STAFF REPORT: Applicant is requesting a front yard variance for a 48' wide x 48' long pole shed with a 12' sidewall 30' from the center of 203<sup>rd</sup> St, a variance of 103' feet (required setback is 133'). Report noted: 1) 479<sup>th</sup> Ave and 203<sup>rd</sup> St, both used to be SD Hwy 30 as noted on plat of "Lot H-2 in the W1/2 NW1/4 of Sec 8, T111N, R48W showing Right of Way to be acquired for highway purposes filed September 21, 1956. Since the platting of the H-lot and reconstruction of SD Hwy 30, 203<sup>rd</sup> has been used as a Sherman Township minimum maintenance road used for farm machinery access to the farm fields and section line between Section 5 and 8 in Sherman Township. 2) Sherman Township Officials and adjoining landowner's have no objections to the variance request. 3) Considerations/hardships: Lot is triangular shaped, with Hwy 30 on the east side and 479<sup>th</sup> Ave on the west and 203<sup>rd</sup> St on the north. Land on the south side of the proposed shed slopes downward toward a waterway that runs through the middle of the property.

Public notices were published in the Brookings Register on August 22 & 29, 2023 and the White Tri-City Star on August 24 & 31, 2023. Letters were sent to the adjoining landowner's and Sherman Township Chairman and Clerk.

PUBLIC HEARING: Applicant Lowell Kruse informed those present the shed would be used for horses, storage of related supplies and hay. He noted the road was a low maintenance road, not serviced and used by Willmott's for field access.

Proponents: Haugen presented comments received from Charles Selleck of Sherman Township and adjoining landowners Mavis Wilmott and Chad Wilmott.

Opponents: None.

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

VOTE: Erickson-aye, Trooien-aye, Jensen-aye, Bartley-aye, Paulson-aye, Vanderwal-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

### **2023CU012**

Application by Luke Schwitzer for Buffalo Ridge I LLC, a subsidiary of Avangrid Renewables LLC for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 6: Contractors' shops and yards. The property is described as: "NW1/4 SW1/4, SW1/4 NW1/4 of Section 16, T111N, R47W (Lake Hendricks Township)".

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

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STAFF REPORT: The applicant is requesting a conditional use permit # 6 for a contractor yard to be used for a staging area of materials, construction trailers, vehicles, and equipment parking for the repowering of the Buffalo Ridge I Wind Farm. Report noted: 1) Purposed contractor yard would be located on 486<sup>th</sup> Ave (Brookings Co blacktop Hwy #35). 2) Materials to be staged on site will consist of but not be limited to new replacement turbine blades, nacelles (generator units) and related components. Letters were sent to the applicant, landowner, adjoining landowners, Lake Hendricks Township Chairman and Clerk, and the Brookings County Highway Department. Public notices were published in the Brookings Register on August 22 and 29, 2023 and White Tri-City Star on August 24 & 31, 2023.

PUBLIC HEARING: Applicant Luke Schwitzer informed those present he had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Trooien asked for an explanation of the term repowering. Mr. Schwitzer explained that the Buffalo Ridge I original operation date was around 2009, approaching 15 years. Changes to the wind towers would be taking advantage of newer technologies for the blades, nacelles, gear boxes. No turbine locations will be moved, the towers, access roads and infrastructure will remain, only the replacement of new gear boxes and rotor blades. Findings of Facts were reviewed and completed by the board, concurred with by Bartley and placed on file.

VOTE: Trooien-aye, Jensen-aye, Bartley-aye, Paulson-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

### **2023CU013**

Application by Luke Schwitzer for Buffalo Ridge I LLC, a subsidiary of Avangrid Renewables LLC for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 6: Contractors' shops and yards. The property is described as: "SE1/4 of Section 9, T111N, R47W (Lake Hendricks Township) and N1/2 NE1/4 of Section 16, T111N, R47W (Lake Hendricks Township)".

(1/2) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use permit # 6 for a contractor yard to be used for a staging area of materials, construction trailers, vehicles, and equipment parking for the repowering of the Buffalo Ridge I Wind Farm. Report noted: 1) Purposed contractor yard would be located on 487<sup>th</sup> Ave (Brookings Co blacktop Hwy #35). 2) Materials to be staged on site will consist of but not be limited to new replacement turbine blades, nacelles (generator units) and related components. Letters were sent to the applicant, landowner, adjoining landowners, Lake Hendricks Township Chairman and Clerk, and the Brookings County Highway Department. Public notices were published in the Brookings Register on August 22 and 29, 2023 and White Tri-City Star on August 24 & 31, 2023.

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PUBLIC HEARING: Applicant Luke Schwitzer informed those present he wanted to clarify that they would select and use just one of the sites. They were applying for 2 different sites to keep their options open.

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 Paulson and placed on file.

VOTE: Jensen-aye, Bartley-aye, Paulson-aye, Vanderwal-aye, Erickson-aye, Trooien-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

### **RECONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION**

#### **PUBLIC HEARING AND ACTION**

Ordinance 23-01 changes to the Brookings County Zoning Ordinance 2015-03, which readopted the 1997 Revised Zoning Ordinance as amended. The proposed change being to Amend Article IV Chapter 4.02 “Commercial/Industrial Districts” Section 4.02.01 – “Permitted Use” and Section 4.02.02 - “Conditional Uses”, adopted by Ordinance 2018-03.

(Vanderwal/Bartley) Motion to approve the amendments to Article IV Chapter 4.02 “Commercial/Industrial Districts, Section 4.02.01 “Permitted Uses” and Section 4.02.02 – Conditional Uses”, adopted by Ordinance 2018.03.

STAFF REPORT: Haugen noted the proposed update to Zoning Ordinance Chapter 4.02- “CI” Commercial/Industrial Districts, Section 4.02.01 “Permitted Uses” adopted by Ordinance 2018-03 is to: Remove -1) “Permitted uses in the “A” Agricultural District except residential dwellings, are listed below”. -2) Single family residences including manufactured, mobile, and modular homes. Change in Section 4.02.02 – Conditional Uses 8) – Change livestock sales to slaughterhouses Add - in Section 4.02.02 – Conditional Uses 22) - Classes A, B, and C Concentrated Animal Feeding Operations in accordance with Chapter 5.22 Concentrated Animal Feeding Operation (CAFO Chapter) when accessory to another listed Conditional Use.

PUBLIC HEARING:

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments.

VOTE: Bartley-aye, Paulsen-aye, Vanderwal-aye, Erickson-aye, Trooien-aye, Jensen-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

### **DEPARTMENT REPORTS**

Hill noted that: 1) The Ordinances would be reviewed in the areas of voting approval - 2/3 of full board, majority of members present as well as proposed a change notification from 14 days to the states codified law noting 10 days. 2) Haugen and Hill would be in Deadwood on September 13 & 14, 2023 for the South Dakota Emergency Management Association Conference. Hill asked for the board's thoughts on allowing a dairy (K C Dairy – Elkton, SD) to relocate 2 mobile homes that were currently located near a lagoon due to health concerns. Noting the dairy owner has asked that the mobile homes be allowed to be moved on the same parcel but to an area near the shelterbelt where the main residence of the parcel was located. Board members discussed health concerns and relocation of two mobile homes, the following motion was made.

(Bartley/Erickson) Motion to allow two mobile homes to be relocated on the K C Dairy property for safety reasons.

DISCUSSION: Board members had no questions or comments.

VOTE: Paulsen-aye, Vanderwal-aye, Erickson-aye, Trooien-aye, Jensen-aye, Bartley-aye, Diedrich-aye. 7-aye, 0-nay. **MOTION CARRIED.**

### **ADJOURN**

(Trooien/Vanderwal) Motion to adjourn. All present voted aye. **MOTION CARRIED.**  
Acting Chair Diedrich adjourned the meeting at 10:04 PM.

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Rae Lynn Maher  
Brookings County  
Development Department