

**BROOKINGS COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES OF OCTOBER 3, 2023    REGULAR PLANNING & ZONING MEETING**

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, October 3, 2023. The following members were present: Chad Ford, Mike Bartley, Tim Paulsen, Kyle Vanderwal, Neil Trooien, and alternates Roger Erickson and Dale Storhaug. Absent were Darrel Kleinjan, Spencar Diedrich, Brian Gatzke, and Randy Jensen. Also present were County Development Director/Emergency Manager Robert Hill, Deputy Director Richard Haugen.

**CALL TO ORDER**

Chair Ford called the meeting to order at 8:20 PM

**APPROVAL OF MINUTES**

(Bartley/Paulson) Motion to approve the September 5, 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**

(Vanderwal/Trooien) Motion to approve the agenda for the October 3, 2023 Meeting. All present voted aye. **MOTION CARRIED.**

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

**CONSIDERATION OF PLATS**

**2023PLAT016**

For property described as "Plat of Blocks 1 & 2, Lexy Lynn Addition in the SE1/4 of Section 26, T109N, R48W of the 5<sup>th</sup> P.M., Brookings County, South Dakota." Submitted by Robert Lynn to plat off an existing 23.27-acre homestead that was originally deeded off in March 1997 with a footage description. Block 1 contains 4.75 acres with the house, which was built in 1998 and Block 2 contains 18.52 acres with the outbuildings, shelterbelt, and farm ground. The owner is selling the property to a family member. The platting of the property and smaller parcel with the house was a requirement for financial purposes. The two parcels will be tied together, a house cannot be built on Block 2 as it does not meet the 35-acre requirement.

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(Bartley/Paulson) Motion to approve the plat. Roll call vote: Paulson-aye, Vanderwal-aye, Erickson-aye, Storhaug-aye, Trooien-aye, Bartley-aye, Ford-aye. 7-aye,0-nay.

**MOTION CARRIED.**

**2023PLAT017**

For property described as “Plat of Lot 47A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5<sup>th</sup> P.M., Brookings County, South Dakota.” Submitted by Tim Bjorklund to re-plat his lot at Lake Poinsett to the ordinary high-water mark. Lake Poinsett Heights was originally platted in 1922. The width of the lot will stay the same, the depth of the lot will be updated to be to the Ordinary High-Water Mark.

(Trooien/Vanderwal) Motion to approve the plat. Roll call vote: Vanderwal-aye, Erickson-aye, Storhaug-aye, Trooien-aye, Bartley-aye, Paulson-aye, Ford-aye. 7-aye, 0-nay.

**MOTION CARRIED.**

**2023RZ001**

Application by Jeanie and James A. Ness for a rezoning. Agricultural District to Lake Park District. The property is described as: “S 710’ of Block 1 Hanson Addition, located in N1/2 NW1/4 and in Govt Lots 1, 2, and 3 and in Lots 9A and 10A of Camara Beach Addition, all in Section 15, T112N, R47W of the 5<sup>th</sup> P.M., Brookings County, South Dakota. (Lake Hendricks Township)”.

(Vanderwal/Storhaug) Motion to approve the Rezoning request.

STAFF REPORT: Applicant is requesting to rezone the southern 710’ of their property from the “Agriculture Zoning District” to the “LP Lake-Park Zoning District” for a non-lake front housing subdivision development. The report included: 1) A preliminary housing subdivision layout. 2) Noted the current property consisted of 60.44 acres and had been platted on November 14, 2000. 3) Location of the area to be rezoned was in the north 710 feet of the 1,000 feet Lake Park Zoning District with it adjoining the properties to the south that were in the Lake Park Zoning District. 4) Preliminary subdivision layout is 11.79 acres with 18 lots and designed to meet requirements of the Brookings County Subdivision Ordinance and the Brookings County Zoning Ordinance: Chapter 4.03. “LP” Lake/Park Districts: non-lake front setback requirements. 5) Considerations: does it meet requirements of the Comprehensive Land Use Plan? Best use of the land? Would a centralized-on site sanitary sewer system or hook up to an existing municipal sanitary sewer system vs. individual septic systems for each lot be a consideration? 6) The Brookings County Planning and Zoning Commission would make its recommendation on the rezoning request. The request then would go to the Brookings County Commission for final consideration, date and time of the meeting would be published in the Brookings County Commission meeting agenda. Public notices were published in the Brookings Register on September 19 & 26, 2023, White Tri-City Star on September 21 & 28, 2023 and the Hendricks Pioneer on September 20 & 27, 2023. The applicant had notified abutting landowners by certified mail of the proposed rezoning request at least 14 days prior to the public hearing. Letters were sent to the adjoining landowners, Lincoln

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County, Minnesota Auditor, Lake Hendricks Township Chairman and Clerk and the Brookings County Highway Department.

PUBLIC HEARING: Applicant Jeanie and James A. Ness informed those present they had nothing to add.

Proponents: None.

Opponents: 1) Linda Nelson noted she was not opposed to the development but had concerns regarding the entrance/exit location and extra traffic on the small township road. 2) Lynn Petersen noted concern with the traffic and view in the area and concerns with septic systems and location to the lake. 3) Lawrence Risty expressed concern with how run off from the development would be handled. Haugen then presented comments received from adjoining landowners: 1) Email from Lynn & Lois Petersen, Merlin & Carol Cleveringa, and Linda Nelson that expressed concern with location of the entry to the proposed development and concerns for safety of those leaving and entering from Co Hwy 17, additional traffic, and current speed limit. 2) Email received after deadline from Randy Hume that noted concern with runoff and how it will be handled.

DISCUSSION: Board member Bartley asked if a study of the entrance/exit had been completed, distance from the controlled intersection and noted the board would only consider the rezoning from Agricultural District to Lake/Park District, not the plans, drainage, or road access. Hill and Haugen noted that the road concerns would need to be addressed with offices in Minnesota as that was the main road location, and the application and vote was just on rezoning not on any plans. Chair Ford reiterated that the board would only be voting on approval/disapproval of the rezoning request, the vote outcome would be a recommendation to the County Commissioners who would make the final decision on the rezoning request.

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

Haugen noted the recommendation by the board would be passed onto the County Commission where the first reading (approx. Oct. 26, 2023) and a public hearing (approx. November 7, 2023) would take place.

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

#### **2023VAR010**

Application by Troy Murphy 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 800' of W 1000' in SW1/4 of Section 1, T111N, R48W (Sherman Township)" ~~ located at 48308 SD Hwy 30, White, SD 57276.

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

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STAFF REPORT: Applicant is requesting a front yard variance to build a 70' wide x 104' long pole shed with a 20' sidewall 60' from the center of 483<sup>rd</sup> Ave, a Sherman Township gravel road. A variance of 73 feet, required setback is 133' from the center of the road. Report noted: 1) This building would be in the same location as a 50' wide x 64' long shed that was destroyed by the May 12, 2022 Derecho. The prior building had been 78' from the center of 483<sup>rd</sup> Ave. 2) Considerations: Existing buildings in the farmyard limit the access and space available to rebuild the shed in another location. Public notices were published in the Brookings Register on September 19 & 26, 2023 and the White Tri-City Star on September 21 & 28, 2023. Letters were sent to adjoining landowners, South Dakota Department of Transportation and Sherman Township Chairman and Clerk.

PUBLIC HEARING: Applicant Troy Murphy informed those present, he had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board members Ford and Paulson asked how busy the road was with traffic and the location of powerlines. Murphy noted traffic was basically just wind turbine workers and there were no powerlines near the road. Findings of Facts were reviewed, completed by the board, concurred with by Vanderwal and placed on file.

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

### **DEPARTMENT REPORTS**

Hill noted: 1) first frost was expected in coming days 2) the floodplain map update meeting had been held, with 12 that had done paperwork being put back into the floodplain, another review with FEMA would be in the upcoming months.

Haugen noted: 1) the office would be moving to the first floor and would have temporary workstations on the second floor prior to the move. 2) An Oak Lake Township CAFO permit had expired, and the land also had been sold. 3) work would resume on updating the Ordinance.

### **ADJOURN**

(Bartley/Paulsen) Motion to adjourn. All present voted aye. **MOTION CARRIED.** Chair Ford adjourned the meeting at 9:21 PM.

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Rae Lynn Maher  
Brookings County  
Development Department