

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF OCTOBER 4, 2022 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, October 4, 2022. The following members were present: Chad Ford, Mike Bartley, Darrel Kleinjan, Spencar Diedrich, Kyle Vanderwal, Neal Trooien, Randy Jensen and Tim Paulson, 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 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

(Diedrich/Paulson) Motion to approve the September 6, 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

Randy Jensen would recuse from vote on 2022var019.

APPROVAL OF AGENDA

(Kleinjan/Trooien) Motion to approve the agenda for the October 4, 2022 Meeting. All present voted aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2022VAR017

Application by Dawn E. Campbell 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 3 DeBoer's Lake Tetonkaha Subdivision in Govt Lots 5 and 6 of SE1/4 of Section 7, T111N, R51W (Oakwood Township)" ~~ located at 3 Oakwood Shoreline Dr, Bruce, SD 57220.

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

STAFF REPORT: Applicant is requesting a lake side variance to replace an existing 12' wide x 20' long deck with a 12' x 20' four season room in the same location, 42' from the highest known water mark, a variance of 33 feet. Report noted: 1) the applicant would need to complete a Flood Plain Development Permit to meet the Federal Emergency
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Management Agency (FEMA) Floodplain standards for building in the floodplain as a portion of the lot is in the floodplain. 2) Considerations: shape and size of the lot, DeBoer's Lake Tetonkaha Subdivision was originally platted in 1984 and replatted in 2003, prior to the current zoning ordinance requirements. Letters were sent to adjoining landowners, Oakwood Township Chairman and Clerk. Public notices were published in the Brookings Register on September 20 & 27, 2022 and the Volga Tribune on September 22 & 29, 2022.

PUBLIC HEARING: Applicant Dawn Campbell informed those present their home was a small 960 sq ft Governor's home, and that they would like a bug free area versus an open deck.

Proponents: None.

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 Bartley and placed on file.

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

2022VAR018

Application by Richard Wright 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: "Lot 1 of Anderson Addition in the E1/2 NW1/4 of Section 21, T109N, R48W (Parnell Township)" ~~~ located at 48039 SD Hwy 324, Elkton, SD 57026.

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

STAFF REPORT: Applicant is requesting an after the fact front yard variance to build a 17'10" x 25'7" house addition 75 feet from the right of way on South Dakota Highway 324, a variance of 25 feet. The required front yard setback is 100 feet from the right of way. Report noted: 1) South Dakota Highway 324 has platted H-Lot (right of way) of 75 feet. The H-Lot was platted on April 11, 1973, which at the time the right of way distance was increased from 33 feet to 75 feet. 2) Side and rear setback requirements will be met. Considerations: 1) location of existing house that was built in 1920; 2) highway right of way was increased on April 11, 1973. Public notices were published in the Brookings Register on September 20 & 27, 2022 and the Elkton Record on September 22 & 29, 2022. Letters were sent to adjoining landowners, South Dakota Department of Transportation and Parnell Township Chairman and Clerk.

PUBLIC HEARING: Applicant Richard Wright 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, completed by the board, concurred with by Diedrich and placed on file.

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

Randy Jensen recused himself and Dale Storhaug took the seat.

2022VAR019

Application by Darwin Ulvestad 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: "NE1/4 of Section 33, T112N, R50W (Eureka Township)" ~ located at 46889 201st St, Bruce, SD 57220.

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

STAFF REPORT: Applicant is requesting a front yard variance to build a 50' x 80' x 16' sidewall pole shed 125' from the center of 201st St (Brookings County gravel road #38), a variance of 25 feet. The required front yard setback is 150 feet. The side and rear setbacks will be met. Considerations: 1) electric pole and electric line run along the east side of proposed site. 2) water line on south side of driveway. 3) existing half circle driveway used for grain bin access. Public notices were published in the Brookings Register on September 20 & 27, 2022 and the Volga Tribune on September 22 & 29, 2022. Letters were sent to adjoining landowners, Brookings County Highway Department and Eureka Township Chairman and Clerk.

PUBLIC HEARING: Applicant Darwin Ulvestad added that he had talked with Sioux Valley Energy, and they would put in a new box and move power line away from area of proposed structure if it passes.

Proponents: None.

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 Trooien and placed on file.

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

Dale Storhaug left the seat and Randy Jensen resumed his seat.

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2022CU012

Application by Misty Jurrens for a conditional use permit. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 10: Stables: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 12: Stables. The property is described as: "Lot 1B, Block 2, Telkamp's Second Addition in SE1/4 SE1/4 of Section 13, T110N, R50W. (Brookings Township)" ~~ located at 1913 20 Ave, Brookings, SD 57006.

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

STAFF REPORT: The applicant is requesting a conditional use/special exception for a horse stable located in the Brookings County/Brookings City Joint Jurisdictional area. The property is located at 1913 20th Ave, Brookings, SD, north of a Ramsdell's Fertilizer on US Hwy 14. Report noted: 1) Applicant would like to: board a maximum of 36 horses with 28 horses inside and 8 outdoors, host small events for boarders of the facility and non-boarders. 2) Business plan includes the following: maintenance/grounds plan, manure plan, emergency services. 3) History of the site: property has been in the Howey family for a long time, with an auto repair business and horse boarding facility located on the property. Horse stable/boarding facility was located on the property since 1974, before the Howey's owned the property. Howey's continued the horse boarding and stable along with the auto repair business. 4) Howey's recently subdivided the property into two parcels, one for the auto repair business and the other for the horse boarding. 5) The applicant has an agreement with the Howey's to acquire the property with the horse facilities and continue the horse boarding and stables. 6) The City of Brookings Community Department has reviewed this request and has no objections to the request. Letters were sent to adjoining landowners, City of Brookings Community Development, SD DOT, Brookings County Highway Superintendent and Brookings Township Chairman and Clerk. Public notices were published in the Brookings Register on September 20 & 27, 2022.

PUBLIC HEARING: Applicant Misty Jurrens informed those present she had nothing to add.

Proponents:

- 1) Lyle Howey noted it had been a horse boarding facility since 1974, he had owned and operated the facility since the early 1990's, he also currently owned the real estate directly to the west.
- 2) Arlo Jurrens noted: 1) they have worked at cleaning up the property, hauled in gravel to work at repairing the road (20th Ave). 2) discussion of road situation and maintenance with the city, city refuses to maintain. 3) Issues with Sutton Vet Clinic placing posts that take up ½ the width allotment for the road. 4) no need for the road to be 2 lanes as it was not a major use road.

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Opponents:

- 1) Jason Unger (Unger Law) & Kari Burgraff (Ramsdell F&M). Mr. Unger noted that, Ms. Burgraff was the owner of property directly to the south of the requesting landowner. He noted it was not a straight opposition but request for some conditions put on the granting of the request. Issues with 20th Avenue and blocking of the road by the neighboring property to the east. Issues with traffic, access and diverting of traffic and water onto Ramsdell property. Mike Struck from Brookings City had been contacted and he agreed that the road is blocked. Mr. Unger further noted concerns and requests: 1) Demand to the City of Brookings to enforce the public right of way remove barriers. 2) Neighboring parties: Vet Clinic (to the east), Ramsdell F&M (to the west of 20th Ave), the boarding business (to the north) and the Repair shop (to the northwest) agree to maintenance agreement on the 20th Avenue area. In summary, He asked that the board consider requiring a maintenance agreement between the affected parties and the City of Brookings enforce its public right of way.

DISCUSSION: Board members Bartley and Diedrich discussed: 1) obstruction of the right of way. 2) Maintenance of road, road maintenance agreement. 3) parking of trailers. Haugen and Muller noted: 1) right of way was within Brookings City limits, under jurisdiction of Brookings Community Development. It would be between applicant, landowners, and City of Brookings. 2) requirement could be some sort of road agreement for maintenance subject to approval by the city or a letter saying they are not a party to it. Misty Jurrens noted: 3) there was adequate parking on the property, traffic would be in and out and parking would never happen on the road. 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, Bartley-aye, Paulson-aye, Erickson-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2022CU013

Application by Mary Jo Minor 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: "Campbellot Addition in NE1/4 and Govt Lot 1 of NW1/4, Exc S200' of N610', less E245' and Exc Block 1 Hardt Addition all in Sec 33, T109N, R50W (Medary Township)".

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

STAFF REPORT: The applicant is requesting a Lake-Park District conditional use to build an accessory building 49' wide x 64' long with a 16' sidewall (30,072 sq. ft.) with a 21' side x 64' long lean-to addition with a 9' sidewall (1,344 sq. ft.), for a total of 4,416 square feet. Report noted: 1) The proposed structure will be used for storage of recreational or personal vehicles, lawn mowers and a skid steer for snow removal. 2) building to be located on a large 20.97-acre lake lot and will meet the setback

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requirements of 75 feet from the highest known water mark, 25 feet from the road and 8 feet from the side property lines. 3) Property is located on the east-southeast side of Lake Campbell, has a long drive with lots of mature trees, and two lake lots are located on the property (one for applicant and other for family member). Considerations: 1) size of the lot being 20.97 acres, 2) lot of trees that buffer the property 3) building is setback. Public notices were published in the Brookings Register on September 20 & 27, 2022. Letters were sent to the adjoining landowners, Medary Township Chairman and Clerk.

PUBLIC HEARING: Applicant Mary Jo Minor informed those present the building would be used for personal storage.

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

2022CU014

Application by Jessica Androwitz for a conditional use permit. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 10: Stables: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 12: Stables. The property is described as: "Lot M-2 of Warrior Commercial Park Addition & Lot M-2 in Warrior Commercial Park 2nd Addition incl vacated portion of Street in SW1/4 of Section 18, T110N, R49W. (Aurora Township)" ~~ located at 1900 25th Ave, Brookings, SD 57006.

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

STAFF REPORT: The applicant is requesting a conditional use/special exception for a horse stable located in the Brookings County/Brookings City Joint Jurisdictional area. The property is located at 1900 25th Ave, Brookings, SD, 1/8 of a mile west of the I-29 Exit on the Highway 14 By-pass and then north 1/8 of a mile on 25th Ave. Report noted: 1) The applicant would like to board a maximum of 30 horses, put on horse clinics, camps and events. 2) Business plan includes the following: the facility will be gated/locked, the maintenance/grounds plan, manure plan, emergency plan, points of contacts and alternate locations for the horses in case of an emergency. The applicant was the manager for the former operator of the facility Kimberly St. John. She continues to manage and operate the facility as it has been run in the past and would like to continue the business into the future. 3) History: former Neil Sebring property and facility has been an approved horse stable since 1997 with a conditional use/ special exception being granted to several operators since that time. A brief history of the property is: September 3, 2019 – A temporary 3-year Conditional use/special exception 2019cu010 October 4, 2022

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was granted to Kimberly St. John for a stable with an expiration date of September 3, 2022. July 30, 2019 - JC Twisted LLC by Crystal Himley (2018cu027) notified the Zoning Office that she is no longer leasing the facility and is ceasing operations on August 1, 2019. November 6, 2018 – A temporary 3-year Conditional use/special exception 2018cu027 was granted to JC Twisted LLC, by Crystal Himley for a stable with an expiration date of November 6, 2021. January 5, 2016 – A temporary 3-year Conditional use/special exception 2016cu001 was granted to JC Twisted LLC, by Crystal Himley for a stable with an expiration date of January 5th, 2019. April 1st, 2003 – Special exception granted to Christiansen Investments LTD by Hamilton Investments LLC (Pegasus Equine Center) to increase the number of horses allowed at any one time from 50 to 150, with letters of assurances to be signed by representative of Pegasus Equine Center for special exception to be valid. March 4th, 2003 – Christiansen Investments LTD by Hamilton Investments LLC (Pegasus Equine Center) applied for a Special exception to allow no more than 150 horses on the premises at any one time. Request by the applicant to table until the April 1st, 2003, meeting due to a death in the family. February 4th, 1997 – Mr. Sebring was granted a special exception for a horse stable for 50 horses with no more than 25 being outside at any one time. 4) City of Brookings Community Department has reviewed this request and has no objections to the request. Letter were sent to the adjoining landowners, Aurora Township Chairman and Clerk, City of Brookings Community Development, Brookings City Street Manager and Brookings County Highway Superintendent. Public notices were published in the Brookings Registers on September 20 & 27, 2022.

PUBLIC HEARING: Applicant Jessica Andronowitz informed those present she had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Bartley noted he lived across from the property and that Jessica has done a great job managing the property. Findings of Facts were reviewed and completed by the board, concurred with by Paulson and placed on file.

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

DEPARTMENT REPORTS

Hill reported the County Commission wanted to express their appreciation to the board members for their dedicated service. He reminded all to use caution during harvest season as an accident had occurred in the area thus far.

Haugen noted the November meeting would start at 7 PM and currently there were a couple items slated for the agenda.

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ADJOURN

(Vanderwal/Diedrich) Motion to adjourn. All present voted aye. **MOTION CARRIED.**
Chair Ford adjourned the meeting at 10:00 PM.

Rae Lynn Maher
Brookings County
Development Department