BROOKINGS COUNTY PLANNING & ZONING COMMISSION

BROOKINGS CITY & COUNTY GOVERNMENT CENTER
520 3rd St, 310 Chambers, Brookings, SD 57006

AGENDA

Brookings County Planning & Zoning Commission meetings are still open to the public and we will be enforcing social distancing. If you would like to call in, dial 605-697-8255 and enter code 6056968205 when prompted. Please, if you have any symptoms of COVID-19 or believe you may have been exposed, consider watching the meeting from home broadcast live on Swiftel channel 19, ITC channel 168, or the Brookings County Youtube channel, and call in if you have any comments or questions.

1. **Call to Order - 8:00 PM on Tuesday, July 7, 2020**

2. **Approval of Minutes - June 2, 2020**

   Documents:

   June 2, 2020 PZ Mtg Minutes_DRAFT-6-11-2020.pdf

3. **Items to be Added to Agenda by Commission Members or Staff**

4. **Invitation for Citizens to Schedule Time on the Commission Agenda for an Item Not Listed**

   Anyone wanting to speak during this agenda item much sign in prior to the start of the meeting. Any requested action items much be scheduled for a future meeting date.
   (Time limited to 5-minutes per person to address the commission.)

5. **Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication**

6. **Approval of Agenda**

7. **Convene as Brookings County Board of Adjustment**

   (The Board of Adjustment needs 2/3 approval of the full board to approve any agenda item.)

8. **2020var007**

   Todd Langland has made an application, 2020var007, to the Brookings County Board of Adjustment 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: "N750' of W782' of NW1/4 NW1/4 Exc Hwy in Section 28, T110N, R48W (Alton Township)" ~~ located at 48011 US Hwy 14, White, SD 57276.

   Documents:

   2020var007 Staff Report-Todd Langland.pdf
   2020var007 Application.pdf
   2020var007 Addition view.pdf

9. **2020var008**

Amanda Blok has made an application, 2020var008, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 1: Lot Size. The property is described as: "S480' of W474' of SW1/4 SW1/4 of Section 2, T110N, R49W (Aurora Township)" ~~ located at 47606 209th St, Aurora, SD 57002.

Documents:

2020var008 Application.pdf
2020var008 Beacon Map.pdf
2020var008 Beacon with 1 Ac school site.pdf
2020var008-Staff Report-Amanda Blok.pdf

A. **Comments received - 2020var008**

Documents:

Verna Clark-6-29-2020-phone-filed stamped.pdf
S Robbins_7-02-2020-phone.pdf
P-G Stern_7-02-2020-phone.pdf
Caleb Cohrs_ 7-02-2020-letter.pdf
Caleb Cohrs_7-02-2020-phone.pdf

10. **2020cu012**

Ryan Hanson has made an application, 2020cu012, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 26: "The County Zoning Commission may permit other uses which, in its opinion, are not detrimental to other uses and are in the general character of the Agricultural District". The property is described as: "W1/2 SW1/4 Exc N 2 Rods in Section 15, T110N, R51W (Volga Township)".

Documents:

2020cu012 Staff Report-Ryan Hanson.pdf
2020cu012 Application.pdf
2020cu012 Site Sketch.pdf
2020cu012 Beacon Map.pdf

11. **2020cu013**

Joshua Bungard has made an application, 2020cu013, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit #6: Contractors shops and yards and Conditional Use Permit # 20: Home Extended Business. The property is described as: "Lucas Addition in NW1/4 Section 11, T111N, R49W (Afton Township) ~~ located at 20328 476th Ave, White, SD 57276.

Documents:

2020cu013 Staff Report-Joshua Bungard.pdf
2020cu013 Application.pdf

2020cu013 Beacon Map.pdf

12. **2020cu014**

Dennis Ommen has made an application, 2020cu014, to the Brookings County Board of Adjustment for a conditional use. 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 3 in Ommen Addition in Govt Lot 9 in NE1/4 of Section 12, T112N, R48W (Oak Lake Township)”.

Documents:

2020cu014-Staff Report-Dennis Ommen.pdf
2020cu014 Application.pdf
2020cu014 Beacon Map.pdf
2020cu014 Site Sketch.pdf

13. **By-Law update**

Documents:

DRAFT 6-2020 Tent Changes_By-Laws 2018_FINAL w-Signed Adoption_12-4-2018.pdf

14. **Department Reports**
15. **Executive Session, if Necessary.**
16. **Adjourn**
17. **Public Notices**

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JUNE 2, 2020 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, June 2, 2020. Modified meeting practices were used due to the global pandemic of COVID-19. Attendance for meetings to be via phone or for those in attendance the CDC recommended guidelines were followed in the Commission Chambers. The following members were present: Mike Bartley, Chad Ford, Darrel Kleinjan, Kyle Vanderwal and alternate board members Spencar Diedrich and Roger Erickson. Members that phoned in were: Michael McHugh, Tom Davis, Darrell Nelson and Senior Planner from First District Association of Local Governments Luke Muller. Absent were: Randy Jensen, and Terrell Spence. Others present were: Deputy Director Richard Haugen, County Development Director/Emergency Manager Robert Hill.

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

APPROVAL OF MINUTES
(Bartley/Diedrich) Motion to approve the May 5, 2020 Meeting Minutes. Roll call vote: Bartley-aye, Davis-aye, Nelson-aye, McHugh-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-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/Diedrich) Motion to approve the agenda for the June 2, 2020 Meeting. Roll call vote: Vanderwal-aye, Kleinjan-ay, Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, McHugh-aye, Ford-aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2020PLAT010
For property described as "Plat of Block 1, Elenkiwich Addition in the NE1/4 of Section 10, T110N, R50W of the 5th P.M., Brookings County, South Dakota." Submitted by Kyle Elenkiwich. Plat of 20.0 acre parcel that contains a homestead, building site and pasture from the 160.0 acres he owns.

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(Bartley/Vanderwal) Motion to approve the plat. Roll call vote: Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT011

For property described as "Plat of Block 1, Ommen Second Addition in Govt. Lot 8 & 9 in the NE1/4 of Section 12, T112N, R48W of 5th P.M., Brookings County, South Dakota." Submitted by Todd Trooien of Trooien Land Co Inc. Plat of 8.41 acres parcel that is currently grass. No residence can be built on the parcel as it does not meet the 35 acre size requirement and is not a historical or current building site. Accessory buildings such as grain bins or a storage shed can be built on the property. Access to the property would be off Brookings County blacktop road #42 (197th Street).

(Erickson/Vanderwal) Motion to approve the plat. Roll call vote: Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT012

For property described as "Plat of Block 1, Intermill-Misar Addition in the SE1/4 of Section 12, T110N, R51W of the 5th P.M., Brookings County, South Dakota. Block 2, Intermill-Misar Addition in the NE1/4 of Section 13, T110N, R51W of the 5th P.M., Brookings County, South Dakota." Submitted by Emil and Wanda Misar. Plat of 10.4 acres from the 160 acres owned in Section 12, that contains an existing homestead. And plat of 21.5 acres from the 160 acres owned in Section 13, that currently contains a pole shed, barn, two silos, grain bins, feet lot and other miscellaneous structure and no residence. Block 2 does not contain 35 acres so is not a buildable site for a residence per the current zoning ordinance requirements. Both Block 1 and Block 2 are in the flood plain and any future buildings would need a Brookings County Floodplain Development permit and would need to follow FEMA Guidelines for building in the floodplain.

(Diedrich/Vanderwal) Motion to approve the plat. Roll call vote: Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-ay, Vanderwal-aye, Erickson-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT013

For property described as "Plat of Block 1, Jensen Addition in the NE1/4 of the NW1/4 of Section 32, T110N, R48W of the 5th P.M., Brookings County, South Dakota." Submitted by Lawrence and Pat Jensen. Plat of 4.3 acre parcel that contains a residence and a building site from the 40.0 acres they own. The building site needs to be excluded from the 40 acres for financial purposes. Their son is purchasing the balance 35.7 acres, along with the additional 120 acres of farmland in the quarter, to continue the family farming operation. The owners will continue to live in the residence on the building site and help with the farming operation.

(Vanderwal/Erickson) Motion to approve the plat. Roll call vote: Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

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CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2020VAR004

Application by Keith Drew 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 53 DeBoer's Lake Tetonkaha West Subdivision in Govt Lots 1, 4, 5 and 6 in Section 7, T111N, R51W (Oakwood Township)" ~~ located at 77 Oakwood Shoreline Dr, Bruce, SD 57220.

(Kleinjan/Erickson) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a variance to build an 8' x 28' addition onto the end of his existing lake cabin and a 10' x 38' attached deck. The outer support post of the proposed deck requires the variance, and is 43 feet from the highest known water mark, a variance of 32 feet. The existing 26' x 28' single story cabin is built into the side hill. Proposed is an addition of 8' x 28' onto the original footprint and would include the addition of second story over the new footprint area (34' x 28'). The property is located in the flood plain and will need to follow the flood plan building requirements. The DeBoer's Lake Tetonkaha West Subdivision was originally platted in 1984, and re-platted in June of 2003, when the original road was vacated and relocated. No objections or concerns were received by the zoning office.

PUBLIC HEARING: Applicant Keith Drew via phone informed those present he had nothing more to add to Haugen's report. Contractor Shawn Knapp via phone noted that the paperwork was being done to remove the property from the floodplain, the proposed addition would not obstruct views of adjoining property owners, and that when the flat roofed cabin was originally built years ago the owners always intended to one day add a second story addition onto the structure.

Proponents: Haugen read notes received from Hugh Randall and Jim and Susan Ryan that noted they had been informed of the additions and changes to be made and had no concerns or objections to the proposed additions or construction. Luke Muller asked for clarification regarding if the deck was a second story deck or if part of the proposed deck would be flush with the ground. Contractor Shawn Knapp noted the deck would be on the second story and at ground level a cement pad may be put in place.

Opponents: None.

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

VOTE: Roll call vote: Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Ford-aye. **MOTION CARRIED.**

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2020VAR005

Application by Michael J Robbins for THO F F Inc 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 950' of E 950' of SE1/4 in Section 22, T111N, R49W (Afton Township)" ~~ located at 20593 476th Ave, White, SD 57276.

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

STAFF REPORT: Applicant is requesting a variance to build a 28' x 28' residential addition 104 feet from the center of 476th Ave, an Afton Township gravel road. Considerations or hardships were shape and size of the farm yard. The existing house was built in 1993 prior to current setback requirements. No objections or concern were received by the zoning office.

PUBLIC HEARING: Applicant Michael J Robbins informed those present he was the contractor and plans were for an addition that was 28 feet x 28 feet that would allow for needed space.

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 and placed on file.

VOTE: Roll call vote: Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Ford-aye. **MOTION CARRIED.**

2020VAR006

Application by Todd and Rachel Smidt 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 35 of DeBoer's Lake Tetonkaha West Subdivision in Govt Lots 1,4,5 and 6 in Section 7, T111N, R51W (Oakwood Township)" ~~ located at 53 Oakwood Shoreline Dr, Bruce, SD 57220.

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

STAFF REPORT: Applicants are requesting a variance to build a 16' x 28' attached covered deck onto their existing residence. The applicants will be doing a cabin remodel that will include an attached garage and a second story addition above the current residence and will meet all setback requirements. The outer support posts of the proposed covered deck require the variance and will be farther away from the high water mark than the existing 14' x 20' attached deck, which is 22 feet from the high water mark. The north end post is 27 feet from the highest known water mark, a variance of 48 feet. The south end post is 34 feet from the highest know water mark, a variance of 41 feet. The property is located in the flood plain and will need to follow the flood plan building requirements. The DeBoer's Lake Tetonkaha West Subdivision was originally

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platted in 1984, and re-platted in June of 2003, when the original road was vacated and relocated. No objections or concerns were received by the zoning office.

PUBLIC HEARING: Applicant Todd Smidt informed those present he was going through the process and paperwork to have the property removed from the floodplain. And noted the reason for the addition was to allow for extra room for family gatherings and enjoyment of the lake.

Proponents: None.

Opponents: None.

DISCUSSION: Bartley noted he appreciated the renderings and it looked like it would be a great addition to the current cabin. He also liked the covered deck option as it would allow for extended use of the space. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Ford-aye. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill noted he had nothing to add. Haugen told the board that at the next month's meeting there would be a proposed update of the by-laws to be voted on. This would include the current tele-conferencing used during the meetings and a few other things to bring the by-laws up to date. He also announced that tentatively the Joint meetings (work sessions) with the City would resume at the next months meeting (July 7, 2020). Bartley asked Luke Muller to identify the portions of the Joint Jurisdiction Ordinance that would be reviewed at the Joint work session meeting. Muller identified there would be a recap of the wellhead area and then discussion of the area south of town (Brookings) and the potential for small lot development.

ADJOURN

(Vanderwal/Erickson) Motion to adjourn. VOTE: Roll call vote: Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.** Chair Ford adjourned the meeting at 8:59 PM.

_____

Rae Lynn Maher
Brookings County
Development Department

DRAFT 6-11-2020

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting

2020var007 – July 7, 2020

Prepared by Richard Haugen

Applicant: Todd Langland, 48011 US Hwy 14, White, SD 57276

Legal Description: "N750' of W782' of NW1/4 NW1/4 Exc Hwy in Section 28, T110N, R48W (Alton Township)"

Article 11.00: Section 11.01 "A" Agricultural District: Area Regulations # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards."

2020var007: Todd Langland has applied for a variance to build a 16' x 16' residential addition 70 feet from the US Hwy 14 right of way, a variance of 30 feet. The required setback is 100 feet from the right of way. US Highway 14 has a 75' right of way, along the applicant's property. The applicant was granted a variance on April 1, 2001 to build the residence in current location due the location of an existing driveway and farm buildings. South Dakota Department of Transportation has no objections to the variance request.

Things to consider: location of current residence and farm buildings; the floorplan of the residence limits the area where an addition can be located without a major remodel renovation of the main floor and interior rooms.

Public notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020.

Letters were sent to the adjoining landowner's, Alton Township Chairman and Clerk.

RECEIVED

MAY 15 2020

BROOKINGS COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Date of Application: Todd Lang land

Variance Number: 2020VAR007

2020 var 007

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Variance to the Brookings County Zoning Regulations for the purpose of:

Build a 16x16' Addition on North side of House Set Back. Variance was granted

B.) Section(s) of Zoning Regulations to be exempted:

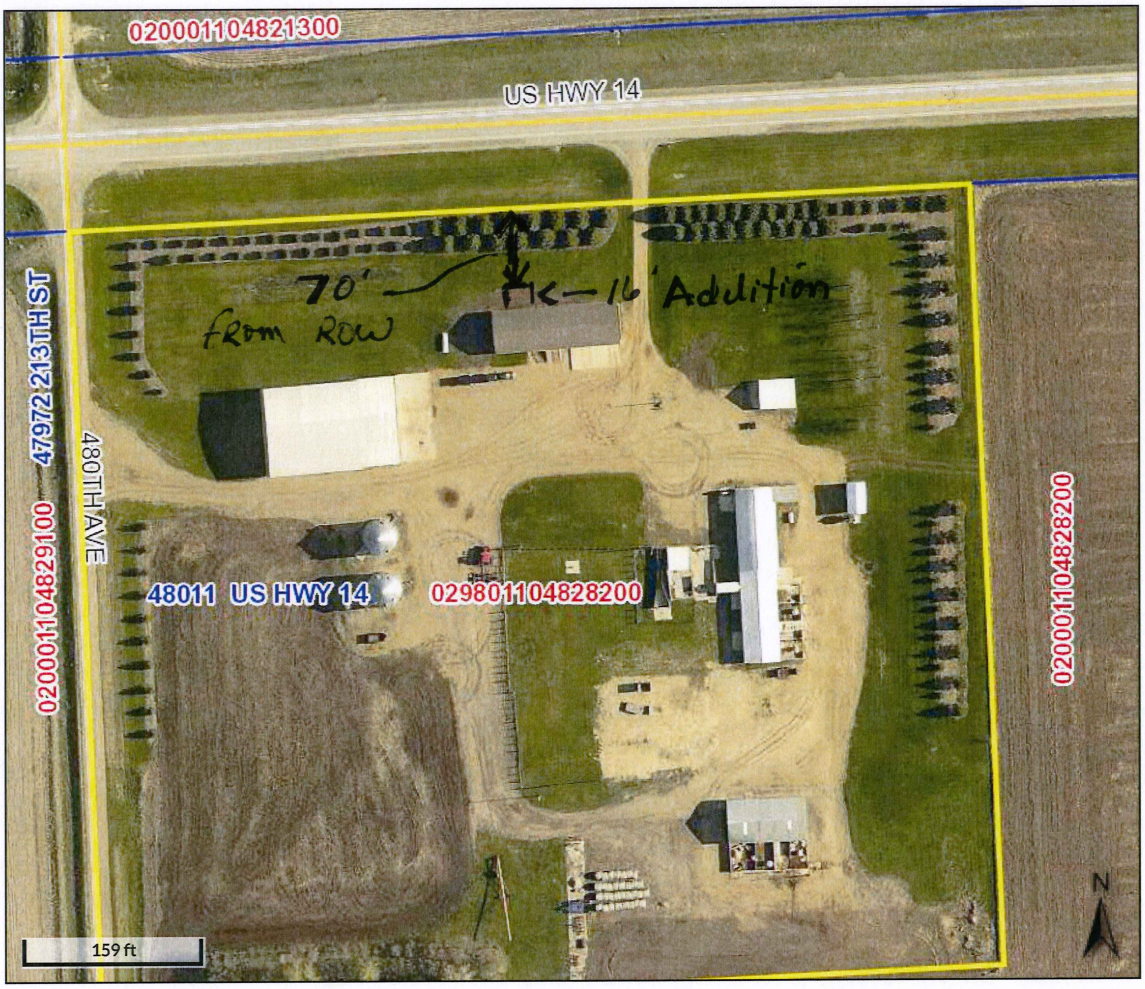
Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation #2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards.

C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this regulation: that the special conditions and circumstances do not result from the actions of the applicant, and that granting the variance requested will not confer on the applicant, and privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

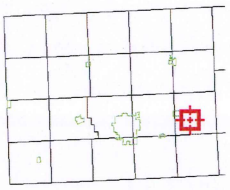
~~Acre~~ Variance was granted in 2001 to Build house do to prior Building location.

Beacon™ Brookings County, SD

2020VAR 007 Site Plan



Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

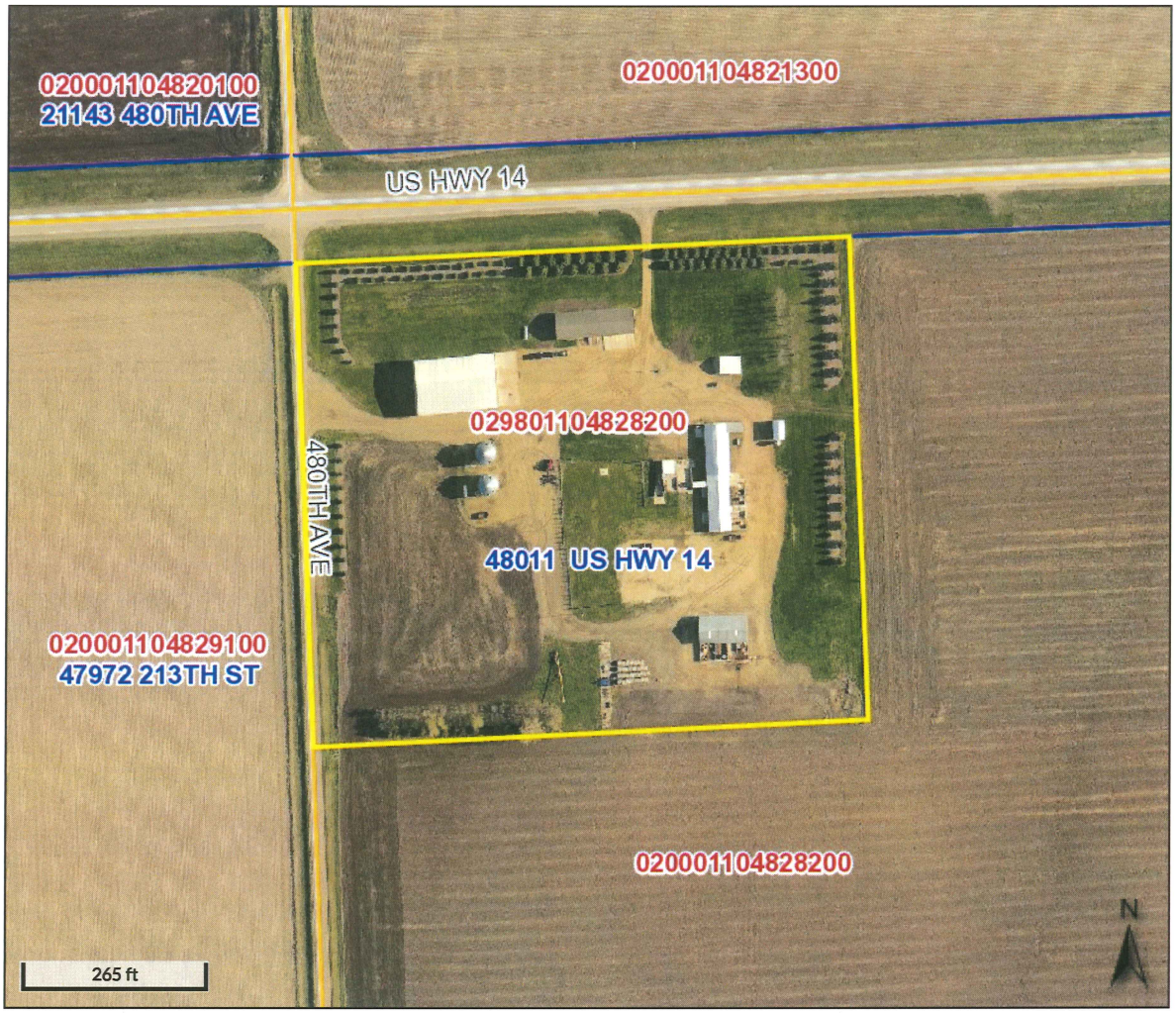
Parcel ID	029801104828200	**Alternate ID**	n/a	**Owner Address**	LANGLAND, TODD R ET UX
Sec/Twp/Rng	28-110-48	**Class**	AGC		48011 US HWY 14
Property Address	48011 US HWY 14 WHITE	**Acreage**	12.1		WHITE SD 57276
District	0203				
Brief Tax Description	N 750' OF W 782' OF NW 1/4 NW 1/4 EXC HWY SEC. 28-110-48 12.10 ACRES (Note: Not to be used on legal documents)				

Date created: 6/10/2020
Last Data Uploaded: 6/10/2020 8:09:42 AM

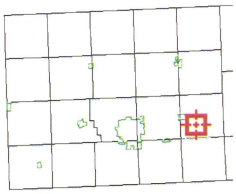
Developed by Schneider GEOSPATIAL

2020 Var 007

Beacon™ Brookings County, SD



Overview



Legend

- Brookings City Limits
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County Roads

- Gravel Roads
- Paved Roads

Floodplain 2008

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- X

Parcel ID	029801104828200	**Alternate ID**	n/a	**Owner Address**	LANGLAND, TODD R ET UX
Sec/Twp/Rng	28-110-48	**Class**	AGC		48011 US HWY 14
Property Address	48011 US HWY 14 WHITE	**Acreage**	12.1		WHITE SD 57276
District	0203				
Brief Tax Description	N 750' OF W 782' OF NW 1/4 NW 1/4 EXC HWY SEC. 28-110-48 12.10 ACRES (Note: Not to be used on legal documents)				

Date created: 5/14/2020
Last Data Uploaded: 5/14/2020 8:06:20 AM

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2020var007: Todd Langland

Looking west from driveway along US Hwy 14.

Looking east from driveway along US Hwy 14.

Looking south down driveway from US Hwy 14.

Looking southwest in farmyard.

Looking west towards proposed addition.

Looking west, wheel at 16’ from house, 70’ from ROW north end of proposed addition.

Looking east, wheel at 16 from house, 70’ from ROW north end of proposed addition.

Wheel at 16’ from house for proposed addition.

Wheel at 75’ highway right of way. Proposed addition is 70’ from right of way.

Looking east towards residence from 480th Ave.

RECEIVED

MAY 15 2020

BROOKINGS COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Date of Application: Todd Lang land

Variance Number: ~~2020-007~~ 2020 var 007

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Variance to the Brookings County Zoning Regulations for the purpose of:

Build a 16x16' Addition on North side of House Set Back. Variance was granted

B.) Section(s) of Zoning Regulations to be exempted:

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.

C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this regulation: that the special conditions and circumstances do not result from the actions of the applicant, and that granting the variance requested will not confer on the applicant, and privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

~~Also~~ Variance was granted in 2001 to Build house do to prior Building location.

D.) Legal Description of Property:

N 750' of W 782' of NW 1/4 NW 1/4 Exc Hwy
Section 28, T 110N, R 48W (Alton Twp)

Site: 48011 US Hwy 14, White, SD 57276

Parcel # 02980-11048-282.00

E.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

July 7, 2020
Date

8:00 AM
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

D.K. Langland
Person filing petition – print

Todd R. Langland
Person filing petition – sign

48011 US Hwy 14
Address

White, SD 57276
City

State

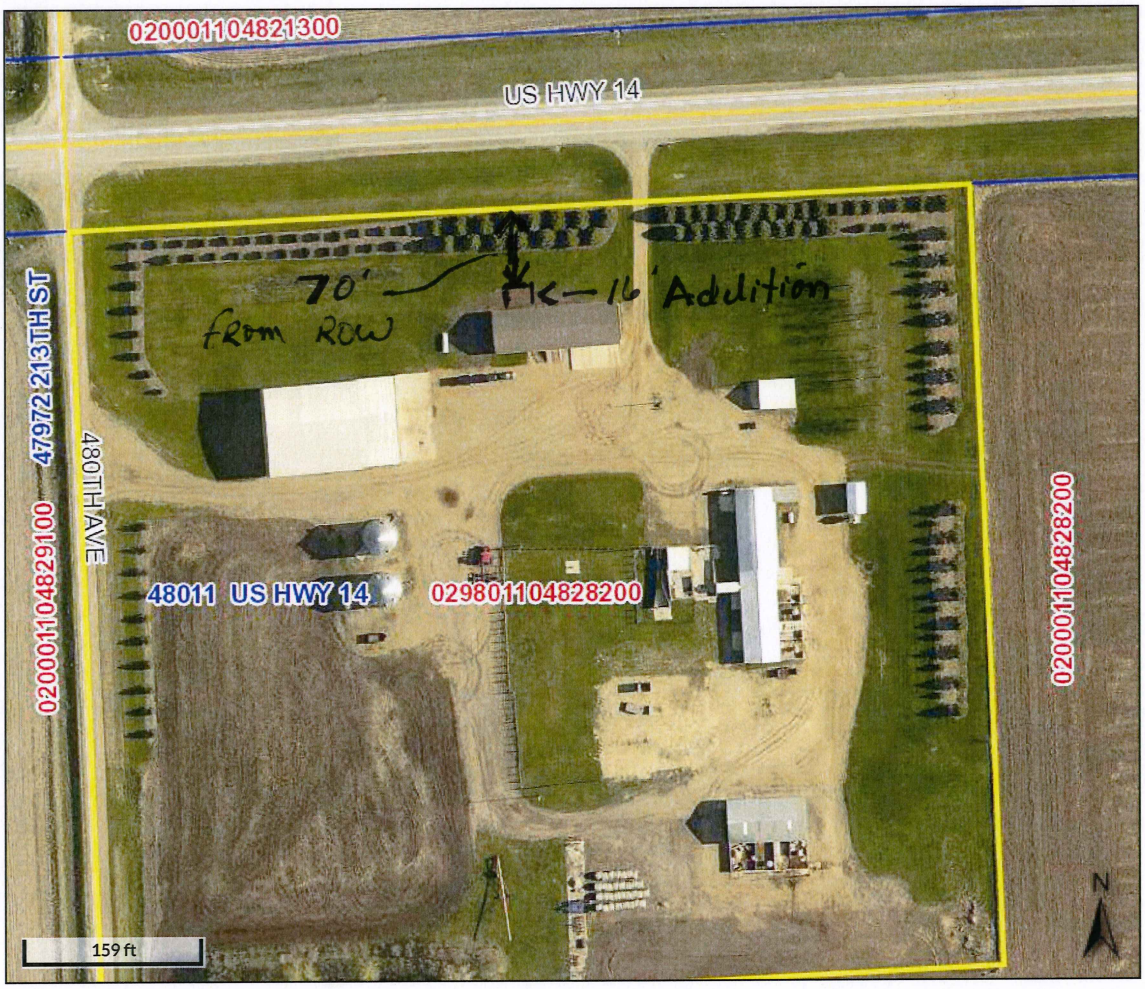
57276
Zip Code

695-2867
Telephone

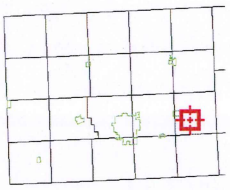
A variance that is granted and not used within three (3) years will be considered invalid.

Beacon™ Brookings County, SD

2020VAR 007 Site Plan



Overview



Legend

- Brookings City Limits
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Property Address	48011 US HWY 14 WHITE	**Acreage**	12.1		WHITE SD 57276
District	0203				
Brief Tax Description	N 750' OF W 782' OF NW 1/4 NW 1/4 EXC HWY SEC. 28-110-48 12.10 ACRES (Note: Not to be used on legal documents)				

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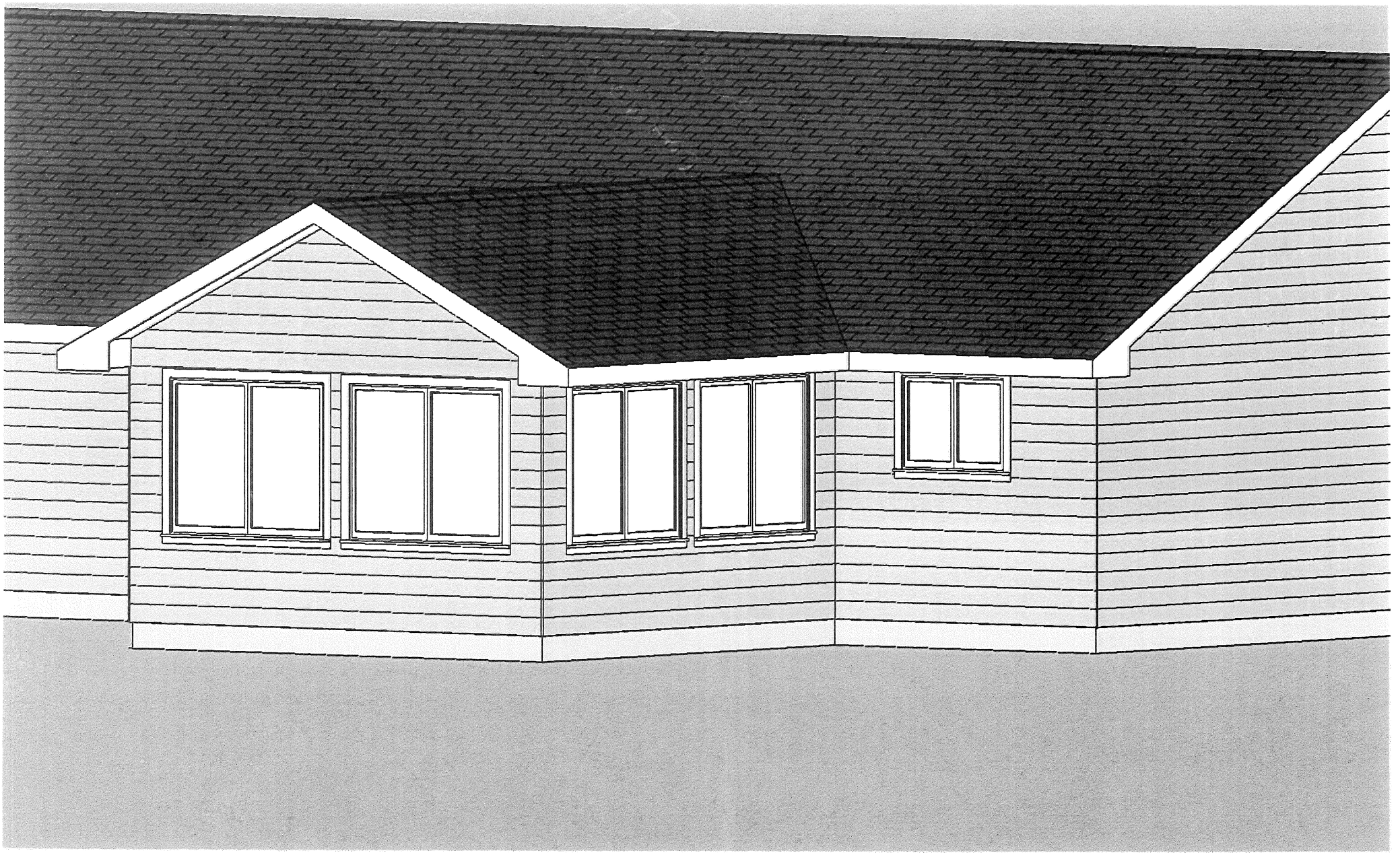
Developed by Schneider GEOSPATIAL

2020 VAR 007



RECEIVED

JUN - 9 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Date of Application: June 9. 2020 Variance Number: 2020VAR008

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Variance to the Brookings County Zoning Regulations for the purpose of:

A GREATER DISTANCE FROM THE COUNTY ROAD AND THE TOWNSHIP ROAD FOR THE OPPORTUNITY TO CREATE MORE LANDSCAPING AND THEREFOR ALLOW A LARGER BUILDING SPACE.

B.) Section(s) of Zoning Regulations to be exempted:

BUILDING AREA
Article 11.00:
Section 11.01 "A" Ag District : Area Regulation # 1 : Lot Size.

C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this regulation: that the special conditions and circumstances do not result from the actions of the applicant, and that granting the variance requested will not confer on the applicant, and privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

THE CORRENT BUILDABLE LOT IS CLOSE TO THE ROAD, WOULD LIKE TO BUILD FARTHER FROM THE ROAD

D.) Legal Description of Property:

S480' of W474' of SW 1/4 SW1/4 of SECTION 2, T110 N, R49W (AURORA TOWNSHIP)

Parcel #64980-11049-023-00 47606 209th St Aurora, SD 57002

E.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

July 7, 2020
Date

8:00 pm
Time

_____
Approved

_____
Rejected

_____
Date

_____
Chairman of Brookings County Board of Adjustment

Amanda Bloe
Person filing petition – print

Person filing petition – sign

5025 18th Street
Address

Brookings
City

South Dakota
State

57006
Zip Code

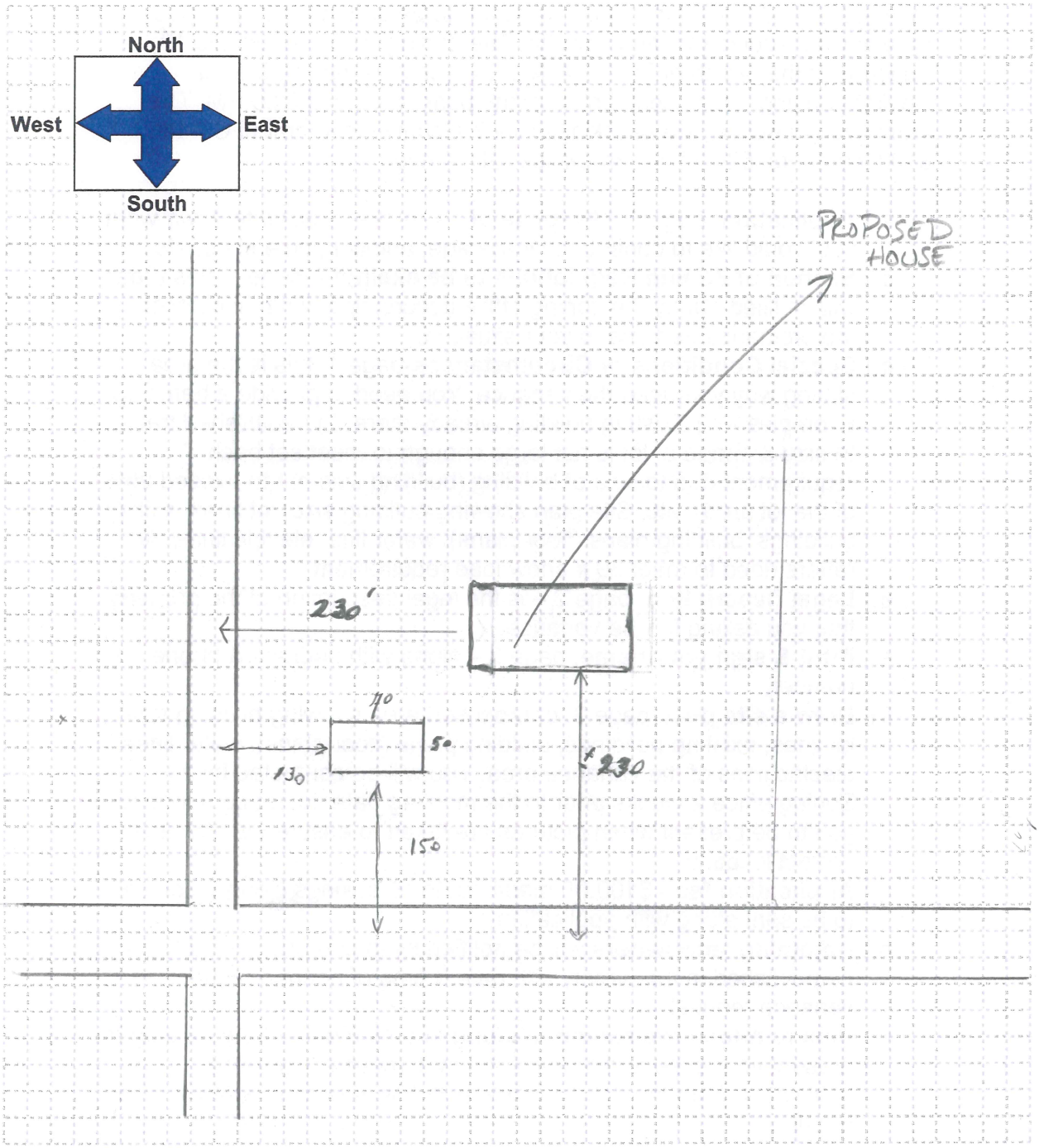
(605) 690-5065
Telephone

A variance that is granted and not used within three (3) years will be considered invalid.

2020 VAR 008

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



Guideline for Applying for a Variance

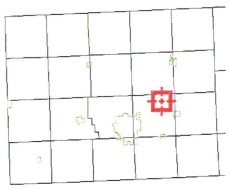
1. The application, along with a $100.00 filing fee, made out to "Brookings County Zoning"; must be completed & returned to the Brookings County Zoning Office, 520 3rd St, Suite 200, Brookings, SD 57006 by 5:00 P.M. on the second Tuesday of the month, in order to be on the next's month's regularly scheduled meeting agenda. The Zoning Board meets the 1st Tuesday of the Month at 7:00 PM from (November-March). During Daylight Saving Time (April-October) the board meets at 8:00 PM. The meetings are held at the Brookings City & County Government Center, 310 Chambers, 520 3rd St, Brookings, SD 57006.

    a.) **Application-** page 1, **"Purpose of "** – in this area, write down what you would like to construct, i.e.-garage, addition, pole shed, etc.
    b.) **Section of Zoning Regulations to be exempt** – page 1, this area will be filled out by the zoning office according to what section of the ordinance pertains to your situation.
    c.) **Special Conditions of Circumstances-**page 1, this is the area stating why you need the variance. You need to provide a hardship. Examples – 1) Existing building already there, 2) established trees, 3) size & shape of lot is not large enough to meet set back requirement due to size of building (building size not to exceed 25% of the lot area), etc. Site plan showing building size, lot lines, exiting buildings, building plans (floor plans), water line, electric lines. All rafters need to meet 30 # snow load requirement.
    d.) **Legal Description,** page 2 **–** is the legal description of the property that you asking for the variance.
    e.) **Print & sign your name,** page 2 **–** along with address & phone number.
    f.) **Draw a site plan**, page 3, of proposed area showing building size, lot lines, existing buildings, building plans (floor plans), water lines, electric lines of the variance area. You will be contacted by the Zoning office 2 weeks prior to the meeting date, to set up a time for you to be present when pictures are taken to ensure we have the correct location.
    g.) **Application fee -** $100.00 made out to "Brookings County Zoning"; to be sent along with application.
    h.) **Adjoining landowners** will be notified by mail & public notice will be published in the paper, with date & time of hearing of the variance request.
    j.) **Plan to attend the zoning meeting** to on the date of the hearing to present your case to the board. You will receive a letter of notification from the zoning office as to the date, time & place of the hearing.

2020 VAR008

Beacon™ Brookings County, SD

Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections

Zoning Districts

- Commercial/Indus
- Lake/Park District
- Natural Resource District
- Parcels
- Roads

Parcel ID	049801104902300	**Alternate ID**	n/a	**Owner Address**	FIRST BANK & TRUST
Sec/Twp/Rng	2-110-49	**Class**	NAC		PO BOX 5057
Property Address	47606 209TH ST AURORA	**Acreage**	n/a		BROOKINGS SD 57006
District	0401				
Brief Tax Description	S 480' OF W 474' OF SW1/4 SW1/4 2-110-49 5.22 ACRES (Note: Not to be used on legal documents)				

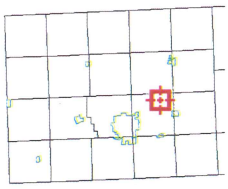
Date created: 6/8/2020
Last Data Uploaded: 6/8/2020 8:09:01 AM

Developed by Schneider GEOSPATIAL

2020Var 008

Beacon™ Brookings County, SD

Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Parcel ID	049801104902300	**Alternate ID**	n/a	**Owner Address**	GARRELTS, JUSTIN
Sec/Twp/Rng	2-110-49	**Class**	NAC		PO BOX 312
Property Address	47606 209TH ST AURORA	**Acreage**	n/a		AURORA SD 57002
District	0401				
Brief Tax Description	S 480' OF W 474' OF SW1/4 SW1/4 2-110-49 5.22 ACRES (Note: Not to be used on legal documents)				

Date created: 4/28/2020
Last Data Uploaded: 4/28/2020 8:09:56 AM

Developed by Schneider GEOSPATIAL

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting

2020var008 – July 7, 2020

Prepared by Richard Haugen

Applicant: Amanda Blok, 5025 18th St, Brookings, SD 57006
Land Owner: First Bank and Trust, PO Box 5057, Brookings, SD 57006

Legal Description: "S480' of W474 of SW1/4 of Section 2, T110N, R49W (Aurora Township)" *~~ located at 47606 209th St, Aurora, SD 57002.*

Article 11.00: Section 11.01 "A" Agricultural District: Area Regulations # 1: Lot Size.

2020var008: Amanda Blok, has a purchase agreement with the landowner subject to the approval of the variance request. The applicant has applied for a variance to build 21 feet outside the permitted buildable area of an historical school site. The site was the original Fountain School built in 1879, 1 square acre site (209' x 209'), located in the south west corner of Section 2 of Aurora Township. The Brookings County Planning Commission confirmed it was an original 1 acre square school site and a permitted use for a single family residence at their November 7, 2017 meeting. The original school 1 acre parcel was sold in 1920 to the adjoining landowner who owned the rest of the southwest quarter. The land was sold several times over the years, hog confinement barns, grain storage and farm buildings were built in the southwest corner. 5.66 acres was split off in 2002 to include the historical school site, hog barns, grain bins and farm buildings. The hog barns were removed from the property and the lot was used for feeding cattle and grain storage.

Some things to consider:

1) The 21' variance would allow the expansion of the minimum lot area that was granted by the board on November 7, 2017 for the original size of the lot.

2) The proposed variance the residence will to exceed the setback requirements of 133 feet on the township road (476th Ave) and 150 feet in the county road (209th St).
3) What is the best use of the remaining 4.66 acres of land; 1) a residence or ag use (grain storage, livestock production).

Public notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020.

Letters were sent to the adjoining landowner's, Aurora Township Chairman and Clerk, Brookings County Highway Department.

RECEIVED

JUN - 9 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Date of Application: JUNE 9. 2020 Variance Number: 2020VAR008

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Variance to the Brookings County Zoning Regulations for the purpose of:

A GREATER DISTANCE FROM THE COUNTY ROAD AND THE TOWNSHIP ROAD FOR THE OPPORTUNITY TO CREATE MORE LANDSCAPING AND THEREFOR ALLOW A LARGER BUILDING SPACE.

B.) Section(s) of Zoning Regulations to be exempted:

BUILDING AREA
Article 11.00:
Section 11.01 "A" Ag District : Area Regulation # 1 : Lot Size.

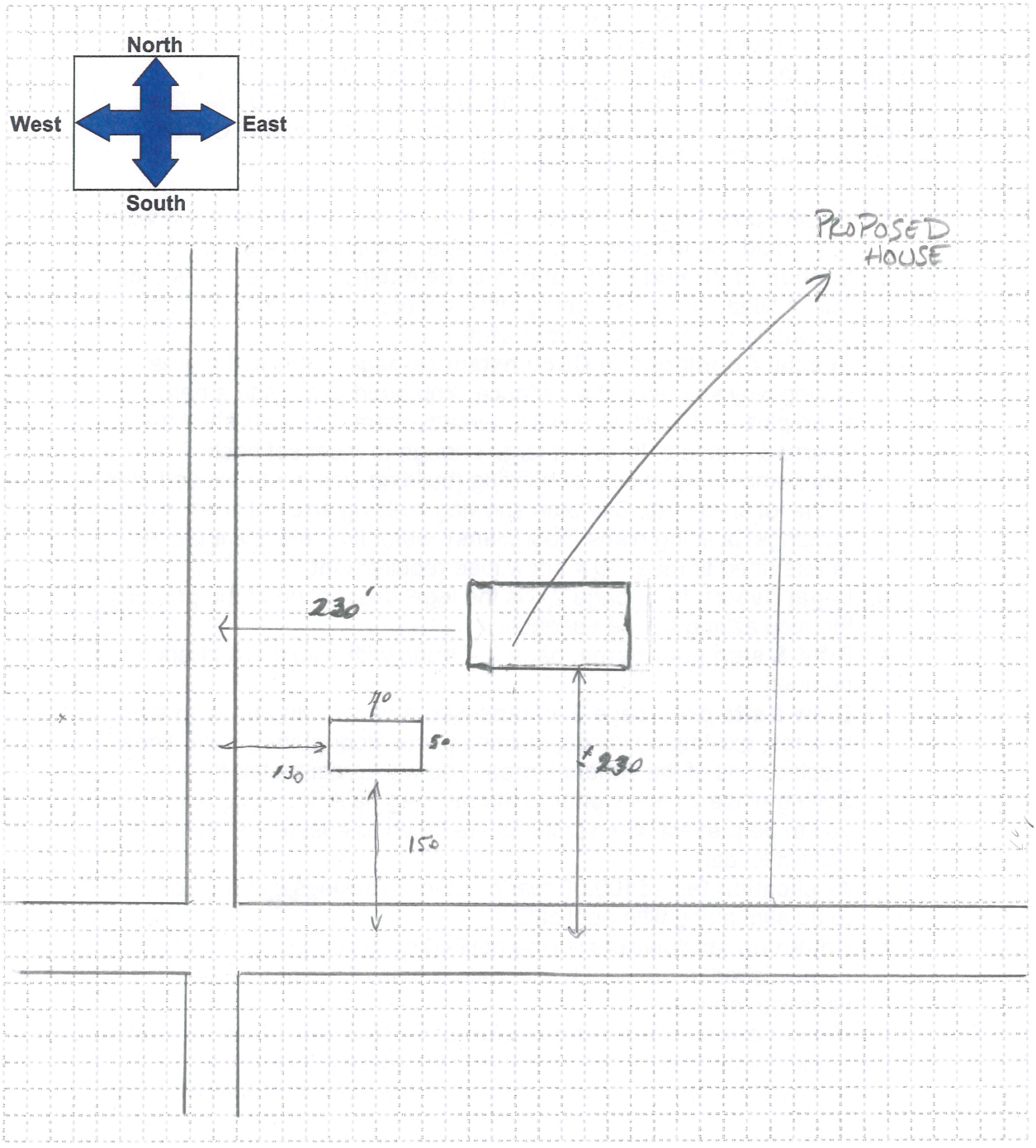
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this regulation: that the special conditions and circumstances do not result from the actions of the applicant, and that granting the variance requested will not confer on the applicant, and privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

THE CORRENT BUILDABLE LOT IS CLOSE TO THE ROAD, WOULD LIKE TO BUILD FARTHER FROM THE ROAD

2020 VAR 008

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



none. Chair Robbins clarified that the area would be going from Agricultural to Commercial/Industrial for a permitted use and called for a roll-call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Rochel-aye, Pierce-aye, Robbins-aye. 9-ayes, 0-nays, motion carried. Haugen noted this would move on to the County Commission with a recommendation for final approval.

Chair Robbins read **agenda item # 8: Selection of 1 board member for the Joint Jurisdiction Ordinance Review Committee.** Chair Robbins asked Mr. Hill for his comments. Mr. Hill made the recommendation that Darrell Nelson be appointed to the committee. Chair Robbins appointed Mr. Nelson to the committee. Darrell Nelson accepted.

Chair Robbins read **agenda item # 9: Discussion on 2005cu019 conditional use.** Chair Robbins asked Mr. Hill for his input. Mr. Hill stated, "It was listed on the agenda that had been posted online strictly as 2005cu019 Conditional Use, we did not add anything else to it. Commissioner/County Commissioner Pierce brought it to our attention that she thinks it was not noticed properly and she would like to see it postponed until the next meeting. I would entertain a motion to table it as I presume that would be the proper thing to do, since we did notice that we would be discussing it. If a planning board member so moves to table it until next time we would be more than happy to redo it and put the proper terminology on the agenda." Board member Pierce noted the reason for the request was because the agenda did not say what the conditional use request was related to and citizens had contacted her asking if the item was on the agenda and she had told them it was not. Mr. Hill noted the item had been posted on the online agenda and that a report was ready but the report would be held until next meeting if the item was tabled. Lee Ann Pierce moved to table until the December 5th, 2017 meeting. Robert Rochel second. Chair Robbins called for a voice vote. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 10: Discussion on old school site in SW1/4 of Section 2, T110N, R49W (Aurora Township).** Mr. Haugen stated, "This is regarding an old school site where at one time the Fountain School and a hog confinement unit had been located. The current owner was in this spring inquiring if this was a buildable site. Mr. Hill and I had discussed this and we always went with the last location of where the actual school building/site had been, so we had told them no it was not a buildable site for a residence. The owner hired an attorney that did further research and found in 1879 in this quarter there was a dwelling house, school house and a blacksmith shop. The location was deeded to the school in 1880, a dot noting the school location showed up on 1909 homestead map. A deed dated 1920 deeded from Fountain School to Mr. J.H. Lievan a 1 (one) square acre parcel in the south west corner. Also in 1920 Mr. J.H. Lievan deeded 3 (three) acres in the SE1/4 section 3 the current and last known location of the Fountain School (this location being across the road from the 1 (one) acre site in question). I am asking for your interpretation if this is a buildable site." Mr. Haugen presented deeds referencing the area in question that were filed/dated February 11, 1879, August 3, 1880, and January 19, 1921. The board discussed and decided where there was proof of a deed of record of a school that it be a buildable

site. Site would be a 1 acre by 1 acre site/lot in the south west corner of the SW 1/4, SW1/4 of Section 2, T110N, R49W.

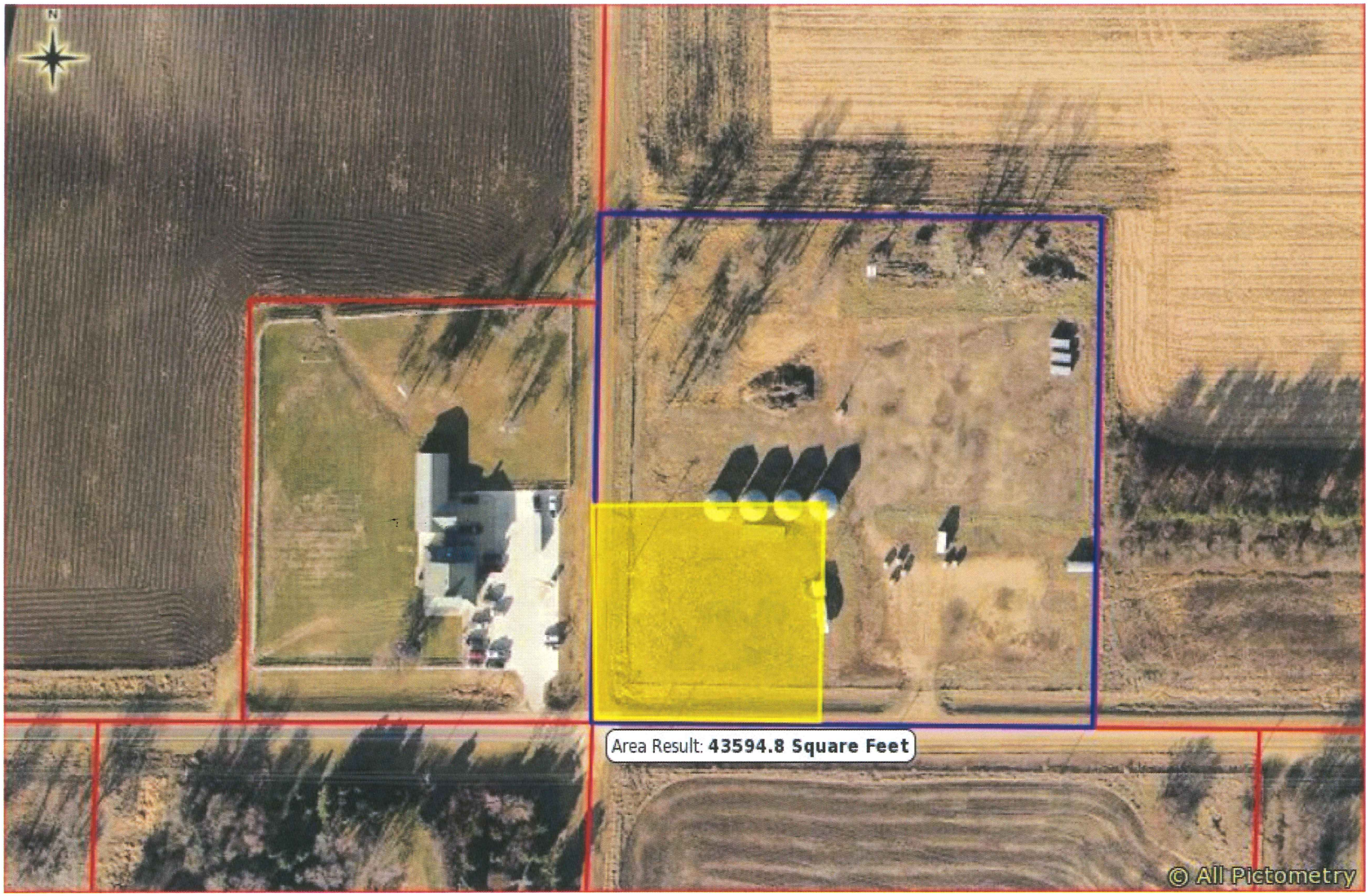
Chair Robbins read **agenda item # 11: Discussion on a used manufactured home as a secondary residence.** Mr. Haugen noted: 1) an applicant had been in the office inquiring about applying for a conditional use for a manufactured home for a family member and the office advised the applicant of the application process. 2) A few days later a transfer notice was received and the applicant came into the office to get a building permit. 3) The office found out manufactured home had been moved onto the site and was a 1973 Liberty Manufactured Home. 4) Current Zoning Ordinance states that anything manufactured before June, 15, 1976 is not allowed in the county. 4) Research was done and wiring for the HUD regulations was the biggest factor found. Board discussed and Chair Robbins summarized by stating, "The board is willing to hear the request for the conditional use and put the stipulations on if there is concerns through the finding of facts on the requirements of the building for safety." Chair Robbins then directed the staff to proceed under the conditions stated.

Chair Robbins read **agenda item # 12: Discussion on Valero Renewables land application of corn and corn processing by products.** Mr. Haugen stated, "Valero had a question regarding disposal, when they clean out their bins or have a load of distillers grain that doesn't meet the new USDA standards and cannot be sold or fed, they need a way to dispose of it. They would like to be able to spread the product onto the land that they own. The product is not hazardous, it is safe and it is biodegradable, it just does not meet standards." The board discussed and consensus was to allow Valero Renewables to proceed with disposing of the non-hazardous material on their own land.

Chair Robbins read **agenda item # 13: Consideration of Plats: a. 2017plat012: "Plat of Lots 7A and 8A Reaves Subdivision of Govt. Lot 4, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Randy Jensen second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Wayne Noem owner of Lots 6 & 7 and Wade Jensen owner of Lot 8 have re-platted their lots for a property line adjustment. They are taking the jog out of the property line between them and making it straight. This allows the Jensen's on Lot 8 to have a wider drive to access their property. The lots were originally platted and recorded on December 30, 1970." Mr. Haugen then used visuals to further describe the plat. Chair Robbins opened up for discussion from the board. Board discussed the current location of buildings, plat adjustment to the current property line and location of a current building being located to close to property lines and the lot being a non-conforming. Chair Robbins then opened up for discussion for the audience, hearing none he asked the board for further questions or comments, hearing none he called for a roll call vote: Nelson-nay, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Davis-aye, Robbins-aye. 8-ayes, 1-nay, motion carried.

Chair Robbins read **agenda item b: 2017plat013: "Plat of South Dakota Soybean Processor's Tracts of 3A & 3B in the NW1/4 of Section 24, T110N, R51W of the 5th P.M., Brookings County, South Dakota."** Lee Ann Pierce

1 acre buildable - former school site

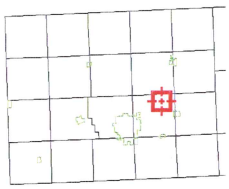


11/24/2019

2020 VAR008

Beacon™ Brookings County, SD

Overview



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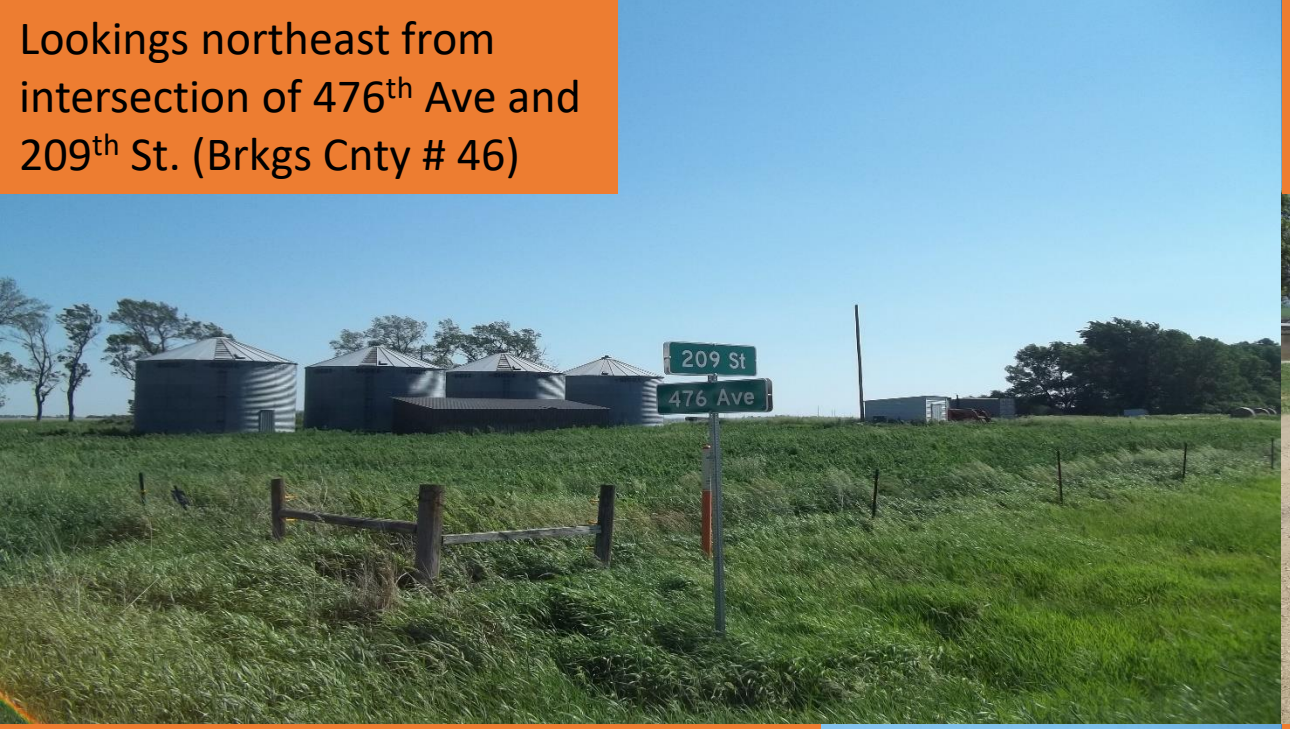
Parcel ID	049801104902300	**Alternate ID**	n/a	**Owner Address**	FIRST BANK & TRUST
Sec/Twp/Rng	2-110-49	**Class**	NAC		PO BOX 5057
Property Address	47606 209TH ST AURORA	**Acreage**	n/a		BROOKINGS SD 57006
District	0401				
Brief Tax Description	S 480' OF W 474' OF SW1/4 SW1/4 2-110-49 5.22 ACRES (Note: Not to be used on legal documents)				

Date created: 6/8/2020
Last Data Uploaded: 6/8/2020 8:09:01 AM

Developed by Schneider GEOSPATIAL

Lookings northeast from intersection of 476th Ave and 209th St. (Brkgs Cnty # 46)



Looking north along 476th Ave from intersection of 209th St. (Brkgs Cnty # 46)

2020var008: Amanda Blok

Looking east along 209th St. (Brkgs Cnty # 46) from intersection of 476th Ave.

Looking north towards bin site from 209th St. (Brkgs Cnty # 46)

Wheel at 209’ from center of 476th Ave. East boundary line for 1 acre.

Wheel at 230’ from center of 476th Ave.

Looking north from driveway on 209th St. (Brkgs Cnty # 46).

Looking north east from driveway on 209th St. (Brkgs Cnty # 46).

Wheel at 209’ from center of 209th St (Brkgs Cnty gravel road # 46). North boundary line for 1 acre.

Wheel at 230’ from center of 209th St. (Brkgs Cnty gravel road # 46)

Looking northeast from north of grain bins.

Looking east at north property line.

BROOKINGS COUNTY DEVELOPMENT DEPARTMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
Email:zoning@brookingscountysd.gov

9:19 AM – June 29, 2020

Verna Clark called in to inquire as to the request made by Amanda Blok (2020var008). She had no issues with the variance and long as Ms. Blok does not infringe on her (Clark's) property.

FILED JUN 29 2020

BROOKINGS COUNTY DEVELOPMENT DEPARTMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
Email:zoning@brookingscountysd.gov

FILED JUL 02 2020

10:33 AM – July 2, 2020

Shana Robbins called and requested to speak at the Planning Meeting scheduled for July 7, 2020. She will addressing the Amanda Blok (2020var008) variance.

BROOKINGS COUNTY DEVELOPMENT DEPARTMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
Email:zoning@brookingscountysd.gov

10:38 AM – July 2, 2020

FILED JUL 02 2020

Pam Stern called and requested that she and Greg Stern to speak at the Planning Meeting scheduled for July 7, 2020. She requested a return call and a return was attempted and message left. Spoke to her at 11:11 AM and she verified that both listed persons will be attending the meeting.

FILED JUL 02 2020

July 2, 2020

10:45 a.m.

I, Caleb Cohrs, have objections to variance 2020var008 applied for by Amanda Blok.

I, Caleb Cohrs, will attend the meeting on July 7, 2020 at 8pm in person to state objections.

CALEB COHRS 7/2/2020

Print Name

7/2/2020

Signature

BROOKINGS COUNTY DEVELOPMENT DEPARTMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
Email:zoning@brookingscountysd.gov

FILED JUL 02 2020

10:17 AM – July 2, 2020

Caleb Cohrs called and requested to speak at the Planning Meeting scheduled for July, 7, 2020. He said that he is OPPOSED to the Amanda Blok (2020var008) variance.

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting.

2020cu012 – July 7, 2020

Prepared by Richard Haugen

Applicant: Ryan Hanson, 46461 228th Ave, Rutland, SD 57057
Land Owner: Raymond Vanderwal, 401 N Samara Ave, Volga, SD 57071

Legal Description: "W1/2 SW1/4 Exc N 2 Rods of Sec. 15, T110N, R51W

Brookings County Zoning Ordinance, Article 11:00 "A" Agricultural District – Conditional Use # 26: "The County Zoning Commission may permit other uses which, in its opinion, are not detrimental to other uses and are in the general character of the Agricultural District".

2020cu012: Ryan Hanson has applied for conditional use # 26: "The County Zoning Commission may permit other uses which, in its opinion, are not detrimental to other uses and are in the general character of the Agricultural District" for agricultural seed sales and bulk farm herbicide and insecticide sales with container size not to exceed 275 gallons. Seed sales and sale of bulk herbicide/insecticide will be added to the agricultural section of the ordinance update. The seed sales will start as soon as possible and the sale of bulk herbicide/insecticide would be in the future. No herbicide or insecticide would be mixed for field application on site, this is only for the sale and storage of the product until it is picked up by the customer. This is an agricultural based business in the agricultural district and will be located on US Highway 14 three-quarters of a mile west of Volga. The applicant has visited with the South Dakota Department of Transportation and they have no objections as he will be using an existing driveway. The City of Volga has no objections to the conditional use request. The applicant will need to apply for a license from the South Dakota Department of Agriculture (SD Dept. of Ag) for seed sales/treatment and herbicide/insecticide sales in quantities of up to 275 gallons. The SD Dept. of Ag does not require containment barriers for totes containing up to 275 gallons and no EPA registration is required. The site will consist warehouse/office building, bulk seed bin storage and inside storage. The seed treatment will be done inside the warehouse as seed is sold and then delivered to the customer. The seed will be brought in by semi-trailer and stored in the bulk seed bins or prepacked bulk storage containers. The applicant has a purchase agreement with the

landowner for 4.5 +/- acre parcel of land located in the south east corner of the parcel. The property has had a preliminary survey done and is attached to this report.

The Zoning Office has reviewed the above documents and has made a site visit to the proposed location.

Public notices were published in the Brookings Register on June 23 and 30, 2020 and in the Volga Tribune on June 25 and July 2, 2020

Letters were sent to the adjoining landowners, South Dakota Department of Transportation and Volga Township Chairman and Clerk.

RECEIVED

JUN - 1 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: 5-26-20 Permit Number: 2020CU012

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Pioneer Seed Dealership
Will operate day to day seed dealership. There will be space for a warehouse, offices, and seed treatment.

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Article 11. Section 11.01 "A" Agricultural District, Conditional Use # 26: The County Zoning Commission may permit other uses which, in its opinion are not detrimental to other uses and are in the general character of the Agricultural District.

C.) Legal Description of Property:

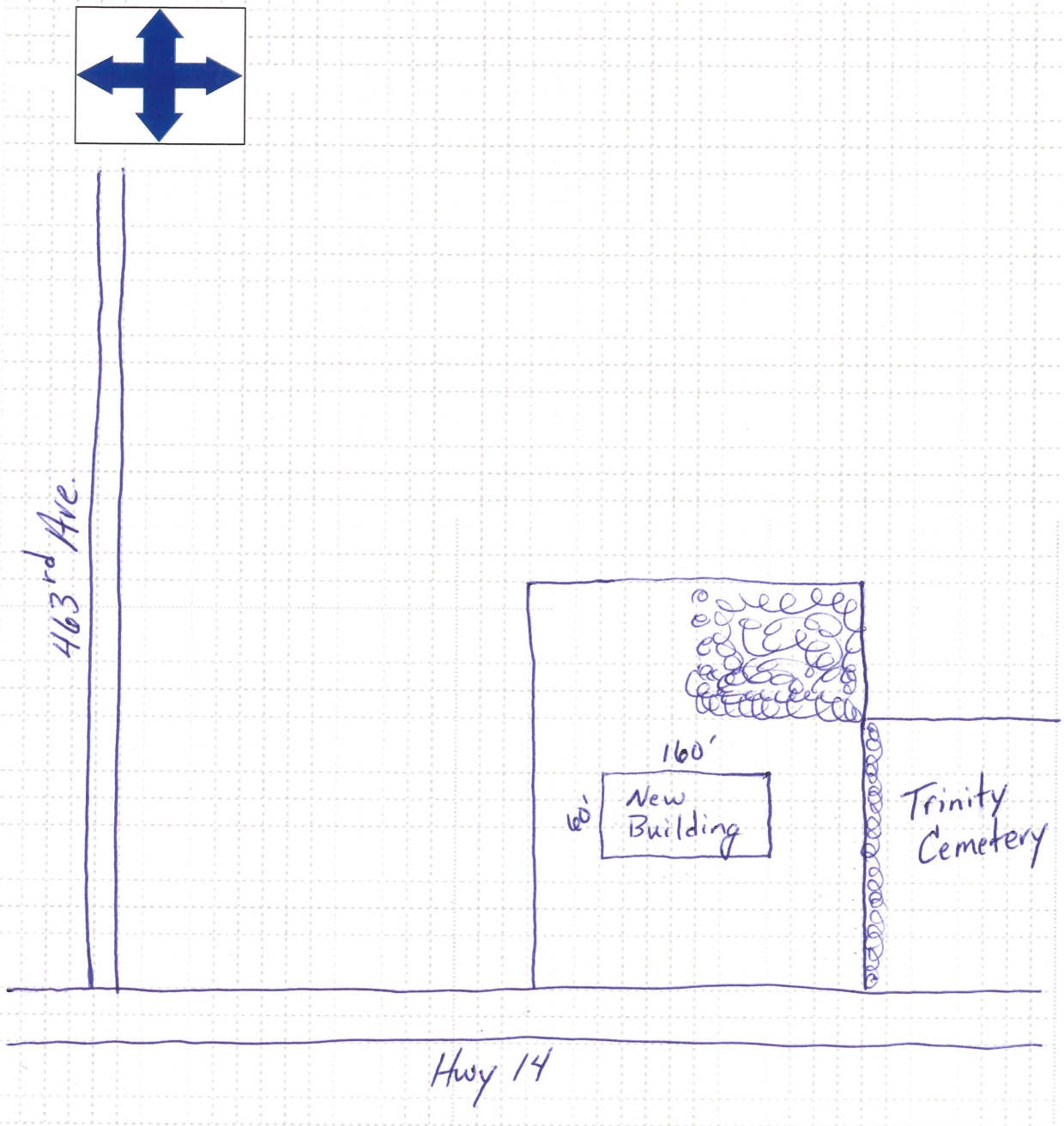
W1/2 of SW1/4 of Section 15, Volga Township
W1/2 SW1/4 Exc N 2 Rods in Sec 15, T110N, R51W
(Volga Twp - Parcel # 22000-11051-153-00)

Form continued on page 2

2020 CUO 12

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



Valley Crop Service

Valley Crop Service is to be a Pioneer Hi-Bred Int'l seed dealership west of Volga on Hwy 14. Services will include seed sales, warehouse, and seed treatment facilities. There will be one building on the property for the foreseeable future. The building will consist of indoor seed treatment loading and unloading. There will be two overhead doors that customers and I will be able to drive straight through the building so there is less impact from the weather and for ease of access. All treating equipment, treatments, and conveyors will operate indoors. Down the road there will be bulk seed bins placed on the west end outside of the shed. They will be filled in the spring and any seed not used will be loaded out by the end of the planting season. The warehouse will take up most of the space within the building. Seed will be delivered in hard side boxes and bags by truck. The east end of the building will be office and meeting space. The lower level will be offices, storage room, bathroom, and kitchen. There will be an upper level to the east end that will be an open area for when I hold meetings.

There will be two people with offices in this building myself and another seed salesman. There will be a possible second person there seasonally for help as needed. Hours of operation will generally be from 8-5 during the off season and longer during the peak times of the agriculture industry, from April to June and also from September to November. Those hours will largely depend on the planting and harvesting seasons and what the weather allows.

During peak season in the spring I would expect 2-8 trucks weekly delivering seed to the warehouse. Most of deliveries are done by me and other salesman. There will be some customers that prefer to pick up their own seed as needed. There will be very little truck traffic after June as all the seed is delivered and boxes/pallets are returned. On a daily basis throughout the year I would only expect around 3-5 customers a day visiting the location, so traffic should be minimal.

Day to day operations would be office work and sales meeting from harvest until planting season. Deliveries of seed to the warehouse start after the first of the year as seed becomes available. Deliveries to customers start the end of March into April depending on if they can store their own seed. After planting season it will mostly be customer visits and office work being done. During the harvest season the main focus is to be out with customers checking on results in the field.

Ryan Hanson

Prepared By:

CIVIL DESIGN INC

Civil Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-696-3200

LEGAL DESCRIPTION

THE NORTH 440.0 FEET OF THE SOUTH 490.0 FEET OF THE EAST 445.5 FEET OF THE W 1/2 OF THE SW 1/4 OF SECTION 15, TOWNSHIP 110 NORTH, RANGE 51 WEST OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA, SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND EASEMENTS OF RECORD.

CONTAINING 4.5 ACRES MORE OR LESS.

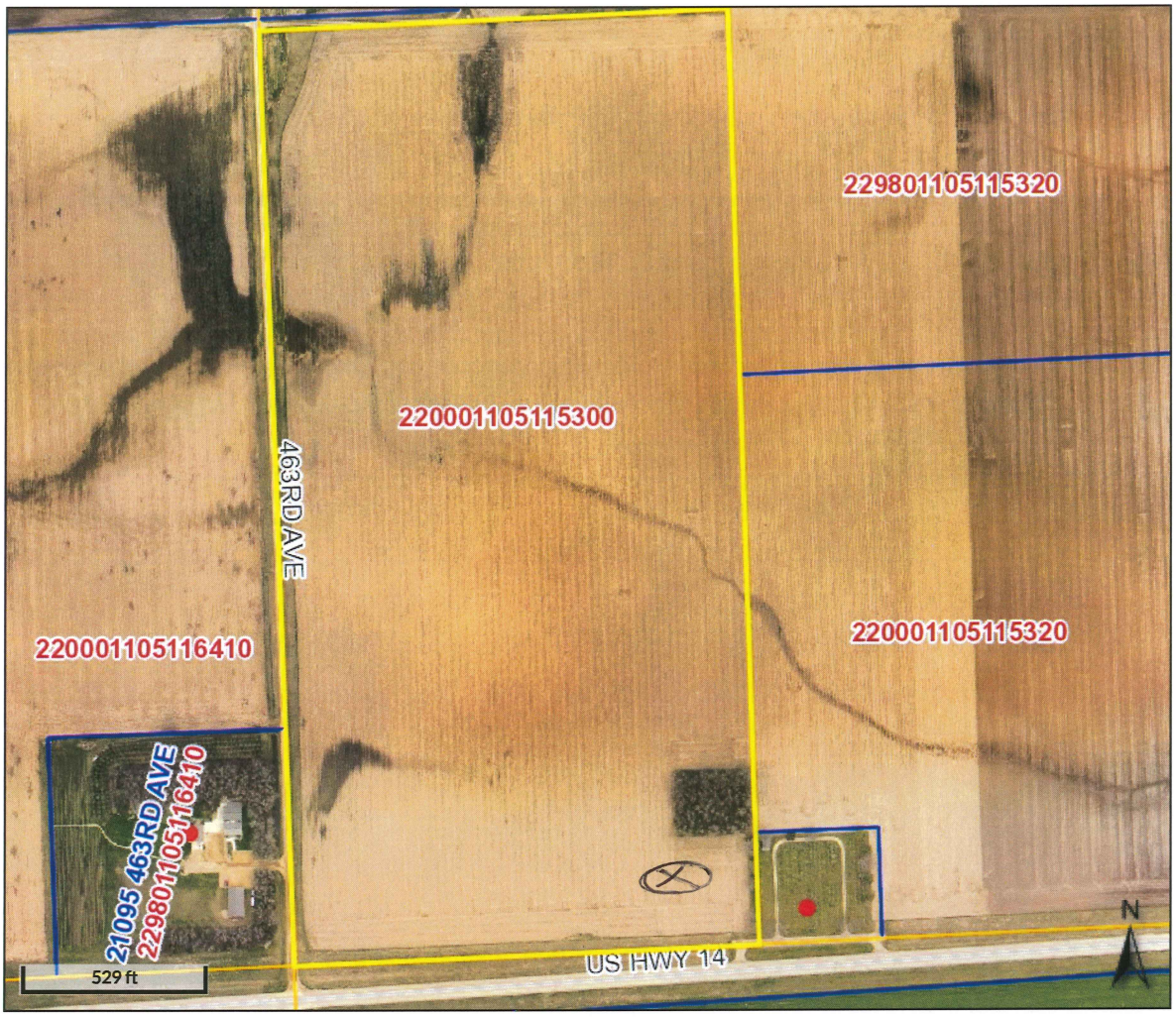
NORTH

April, 2020
Scale: 1" = 300'
○ Monument Recovered
● Monument Set
(½" x 18" Capped Rebar RLS 10400)
Bearings are Based on Assumed Datum

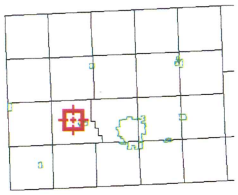
REGISTERED PROFESSIONAL ENGINEER
REG. NO. 10400
PRELIMINARY
SOUTH DAKOTA
LAND SURVEYOR

Beacon™ Brookings County, SD

2020cu012



Overview



Legend

- Address Layer
- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Floodplain 2008

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- X

Parcel ID	220001105115300	**Alternate ID**	n/a	**Owner Address**	VANDERWAL, RAYMOND G ET UX
Sec/Twp/Rng	15-110-51	**Class**	AGA		401 N SAMARA AVE
Property Address		**Acreage**	78.57		VOLGA SD 57071
District	2205				
Brief Tax Description	W 1/2 SW 1/4 EXC N 2 RODS SEC 15-110-51 78.57 AC				
	(Note: Not to be used on legal documents)				

Date created: 6/1/2020
Last Data Uploaded: 6/1/2020 8:08:44 AM

Developed by Schneider GEOSPATIAL

Looking west from driveway along US Hwy 14.

Looking east from driveay along US Hwy 14.

2020cu012: Ryan Hanson

Looking north from driveway.

Looking northwest from driveway.

Looking north from proposed west property line.

Looking northeast from proposed west property line.

Looking east along US Hwy 14 at proposed west line.

RECEIVED

JUN - 1 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: 5-26-20 Permit Number: 2020cu012

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Pioneer Seed Dealership
Will operate day to day seed dealership. There will be space for a warehouse, offices, and seed treatment.

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Article 11: Section 11.01 "A" Agricultural District, Conditional Use # 26: The County Zoning Commission may permit other uses which, in its opinion, are not detrimental to other uses and are in the general character of the Agricultural District.

C.) Legal Description of Property:

W1/2 of SW1/4 of Section 15, Volga Township
W1/2 SW1/4 Exc N 2 Rods in Sec 15, T110N, R51W
(Volga Twp - Parcel # 2200-1105-153-00)

Form continued on page 2

D.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

July 7. 2020
Date

8:00PM
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

Ryan Hanson
Person filing petition – print

Ryan Hanson
Person filing petition – sign

46461 228th St.
Address

Rutland
City

SD
State

57057
Zip Code

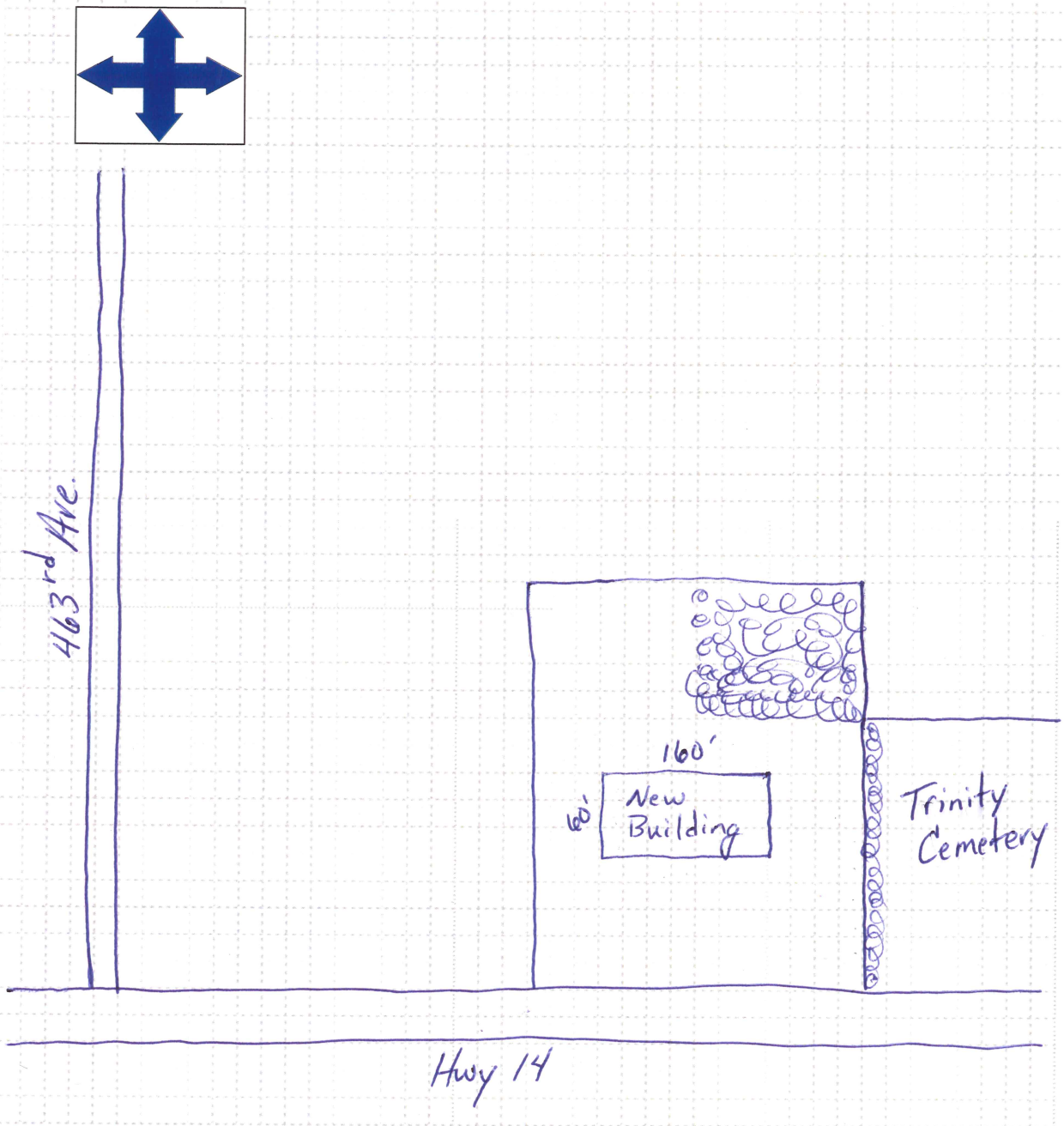
605-530-0110
Telephone

A conditional use that is granted and not used within three (3) years will be considered invalid.

2020 CUO 12

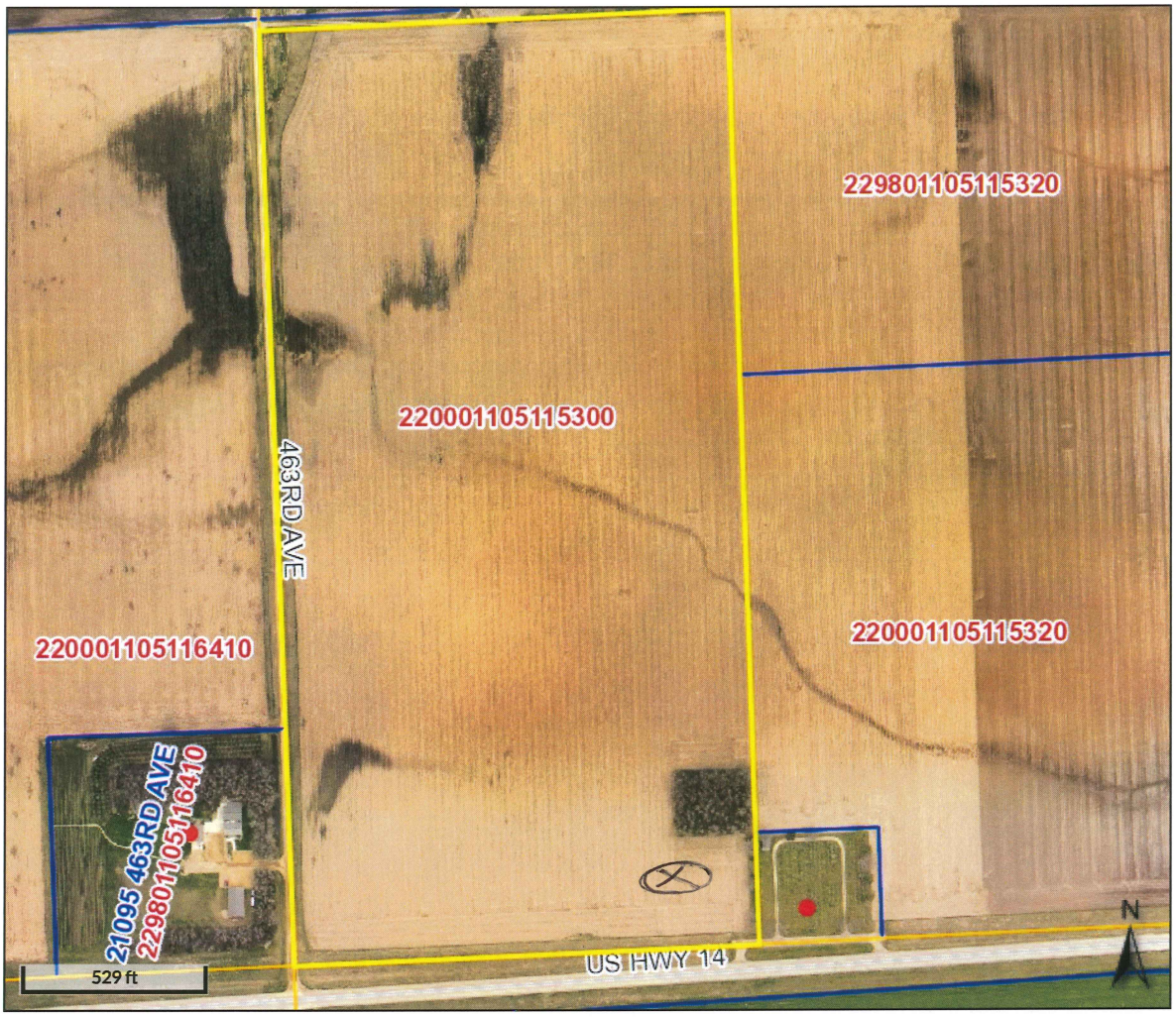
SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.

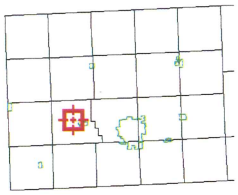


Beacon™ Brookings County, SD

2020cu012



Overview



Legend

- Address Layer
- Brookings City Limits
- City Limits
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- Sections
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- Roads

Floodplain 2008

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- X

Parcel ID	220001105115300	**Alternate ID**	n/a	**Owner Address**	VANDERWAL, RAYMOND G ET UX
Sec/Twp/Rng	15-110-51	**Class**	AGA		401 N SAMARA AVE
Property Address		**Acreage**	78.57		VOLGA SD 57071
District	2205				
Brief Tax Description	W 1/2 SW 1/4 EXC N 2 RODS SEC 15-110-51 78.57 AC				
	(Note: Not to be used on legal documents)				

Date created: 6/1/2020
Last Data Uploaded: 6/1/2020 8:08:44 AM

Developed by Schneider GEOSPATIAL

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting

2020cu013 – July 7, 2020

Prepared by Richard Haugen,

Applicant/Owner: Joshua Bungard, 20328 476th Ave, White, SD 57276

Legal Description: "Lucas Addition in NW1/4 Section 11, T111N, R49W (Afton Township)."

Brookings County Zoning Ordinance, Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 6: Contractors' shops and yards and Conditional Use Permit #20: Home Extended Business

2020cu013: Joshua Bungard has applied for an agricultural district conditional use # 6: Contractor's shop and yard and conditional use # 20: Home Extended Business. The contractor's yard will be located on the parcel where he resides. The contractor's yard will be used for a small scale construction and landscaping business for equipment storage and supplies.

Conditional use #20: Home Extended Business for a temporary seasonal camp ground for seasonal employees of his business and construction workers or hunters/tourists in the fall. He is planning on 4 – 30' x 60' RV pads with water, sewer and electric. The preliminary plans for the septic system will be a sealed holding tank and pumped out as required by a septic service. A dumpster will be available for trash and serviced by a trash service. The septic system and drinking water will need to meet South Dakota Department of Environment and Natural Resources requirements. A license for a campground will be needed from the South Dakota Department of Health (SD Dept. of Health) if the occupants will be staying for less than 28 consecutive days. South Dakota Department of Health requirements for a campground per South Dakota Codified Law 34-18-1 and Administrative Rules of South Dakota 44:02:14 will need to be met.

1) Long term campers staying more than 28 consecutive days:
    a) Outside fire extinguisher available,
    b) Dumpster service for tenants,
    c) Outside rodent and pest control.
    d) Other requirements as directed by the SD Dept. of Health.

2) Short term campers staying less than 28 consecutive days:

a) Camp ground license from South Dakota Department of Health.

b) South Dakota Department of Environment and Natural Resources (SD DENR) approved designed septic system.

c) SD DENR – approved drinking water supply.

d) Other requirements as directed by SD Dept. of Health

The spaces are screened by a shelterbelt along the road and north side of the property and will be operational from May to October only. The applicant has visited with the township regarding a road agreement and they have no objections to the contractor yard or the seasonal camp ground.

Public notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri City Star on June 25 and July 2, 2020.

Letters were sent to the land owner, adjoining landowner's, Afton Township Chairman and Clerk.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: June 3, 2020 Permit Number: 2020cu013

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Operating a home extended business at 20328 476th Ave in White. The first request is for a contractors shop for a small scale construction and landscaping business. The second request is to construct up to 4 RV spaces for seasonal employees, wind turbine employees, and hunters/tourists. The spaces will be screened from the road and will be operational from May to October only.

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Conditional Use for a Contractors Shop + Yard for small construction and Landscaping business with limited outdoor storage.
Home Extended Business for operation of up to four RV spaces to provide housing for area workers and for seasonal employees of the construction/landscaping business. The RV spaces may also be used for hunters and area tourists.
Article 11: Section 11.01: "A" Ag District: Conditional Use Permit #20: Home Extended Business.

C.) Legal Description of Property:

Lucas Addition in NW 1/4 Section 11-111-49 6.32 acres (Afton Twp)

Parcel # 01265.11149.112.00

Site: 20328 476th Ave, White, SD 57276

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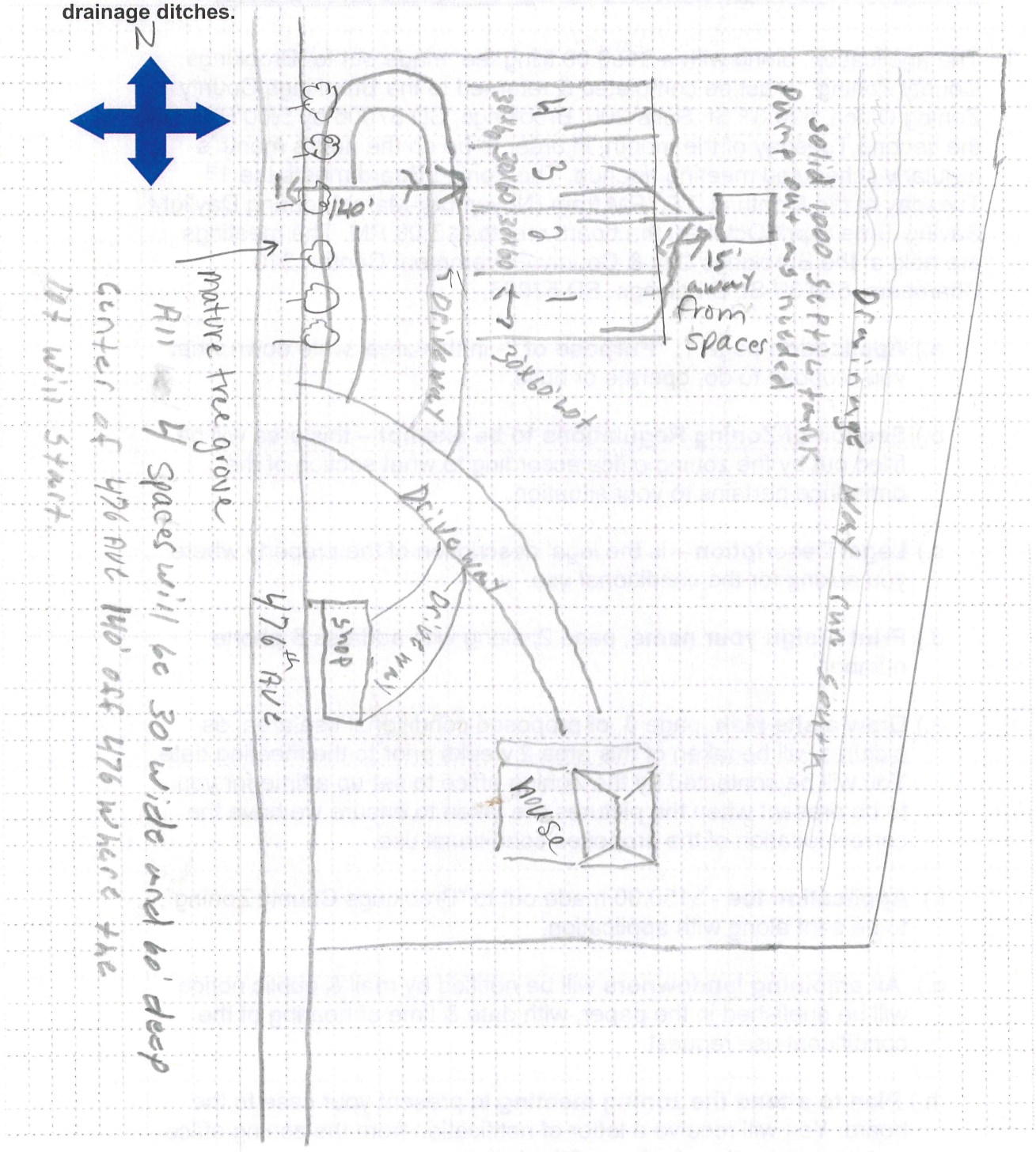
JUN - 3 2020
BROOKINGS COUNTY DEVELOPMENT

Form continued on page 2

2020au013

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.

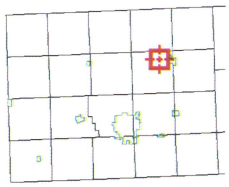


2020au013

2020 cu 013

Beacon™ Brookings County, SD

Overview



Legend

- Address Layer
- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Parcel ID	012651114911200	**Alternate ID**	n/a	**Owner Address**	BUNGARD, JOSHUA A ET UX
Sec/Twp/Rng	11-111-49	**Class**	NACS		20328 476TH AVE
Property Address	20328 476TH AVE WHITE	**Acreage**	n/a		WHITE SD 57276
District	0110				
Brief Tax Description	LUCAS ADDN IN NW 1/4 SEC 11-111-49 6.32 ACRES (Note: Not to be used on legal documents)				

Date created: 6/4/2020
Last Data Uploaded: 6/4/2020 8:07:20 AM

Developed by Schneider GEOSPATIAL

Looking north along 476th Ave. Shelterbelt screening for proposed r/v-camper pads.

Looking south along 476th Ave from driveway.
2020cu013: Joshua Bungard

Looking east from driveway.

Looking south from driveway, towards contractor shop.

Looking north from driveway towards proposed r/v-camper pads.

Looking north towards proposed r/v-camper pads. Shelterbelt screens from the north.

Looking south towards yard from rv pads. Contrators shop/yard

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: June 3, 2020 Permit Number: 2020cu013

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Operating a home extended business at 20328 476th Ave in White. The first request is for a contractors shop for a small scale construction and landscaping business. The second request is to construct up to 4 RV spaces for seasonal employees, wind turbine employees, and hunters/tourists. The spaces will be screened from the road and will be operational from May to October only.

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Conditional Use for a Contractors Shop + Yard for small construction and Landscaping business with limited outdoor storage.
Home Extended Business for operation of up to four RV spaces to provide housing for area workers and for seasonal employees of the construction/landscaping business. The RV spaces may also be used for hunters and area tourists.
Article 11: Section 11.01: "A" Ag District: Conditional Use Permit #20: Home Extended Business.

C.) Legal Description of Property:

Lucas Addition in NW 1/4 Section 11-111-49 6.32 acres (Afton Twp)

Parcel # 01265.11149.112.00

Site: 20328 476th Ave, White, SD 57276

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JUN - 3 2020
BROOKINGS COUNTY DEVELOPMENT

Form continued on page 2

RECEIVED

JUN - 3 2020

BROOKINGS
COUNTY DEVELOPMENT

D.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

July 7, 2020
Date

8:00
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

Joshua Bungard
Person filing petition – print

Person filing petition – sign

20328 476th Ave.
Address

White
City

SD
State

57276
Zip Code

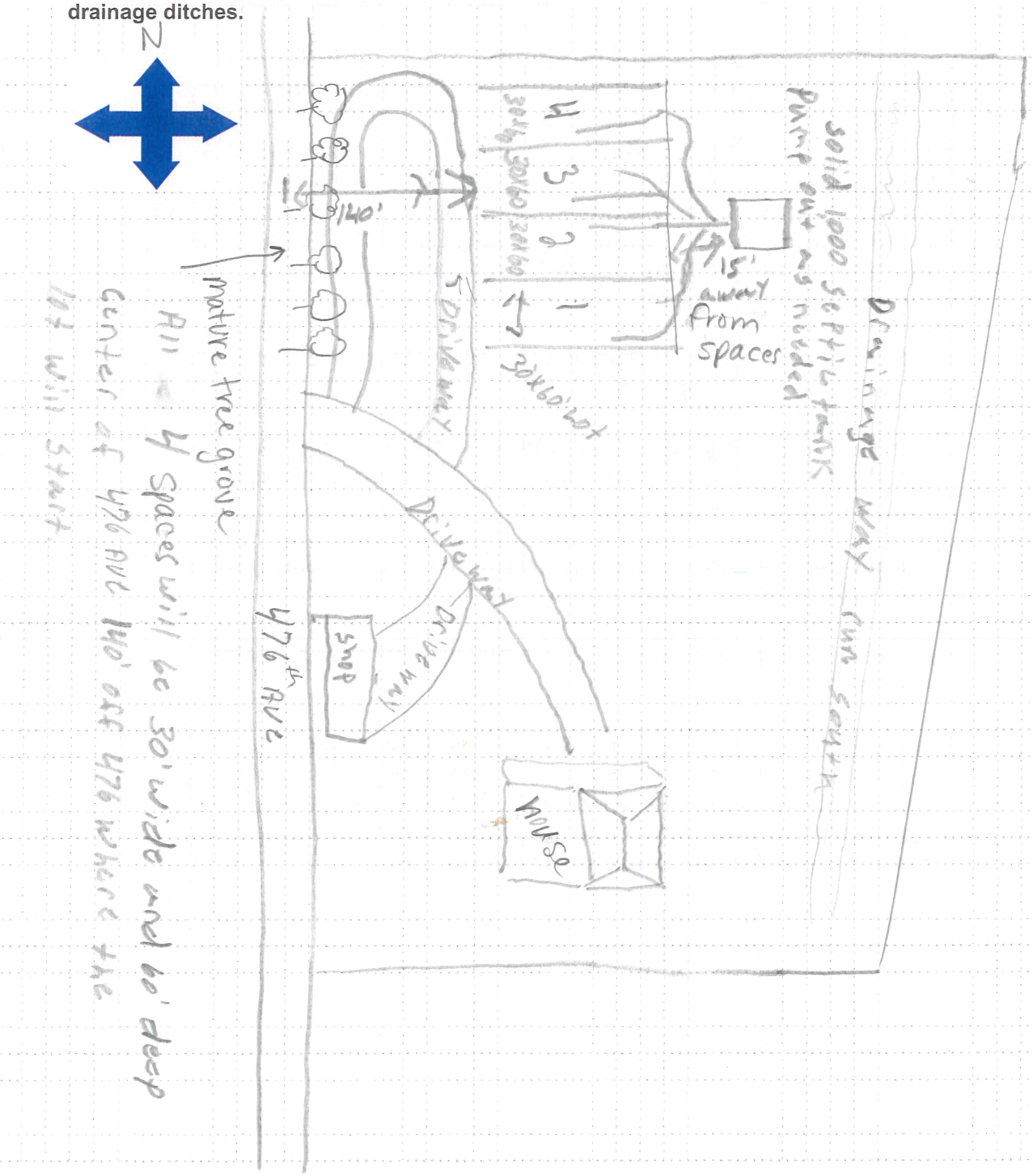
(307)670-5518
Telephone

A conditional use that is granted and not used within three (3) years will be considered invalid.

2020au013

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



2020au013

Guidelines for Applying for a Conditional Use Permit

1. The application, along with a $150.00 filing fee, made out to "Brookings County Zoning"; must be completed & returned to the Brookings County Zoning Office, 520 3rd St, Suite 200, Brookings, SD 57006 by 5:00 P.M. on the second Tuesday of the month, in order to be on the next's month's regularly scheduled meeting agenda. The Zoning Board meets the 1st Tuesday of the Month at 7:00 PM from (November-March), during Daylight Saving Time (April-October) the board meets at 8:00 PM. The meetings are held at the Brookings City & County Government Center, 310 Chambers, 520 3rd St, Brookings, SD 57006.

    a.) **Application-**page 1**, "Purpose of "-** in this area, write down what you propose to do, operate or build.

    b.) **Section of Zoning Regulations to be exempt** – this area will be filled out by the zoning office according to what section of the ordinance pertains to your situation.

    c.) **Legal Description** – is the legal description of the property where you asking for the conditional use.

    d.) **Print & sign your name,** page 2**,** along with address & phone number.

    e.) **Draw a site plan**, page 3, of proposed conditional use area, as pictures will be taken of this area 2 weeks prior to the meeting date. You will be contacted by the Zoning office to set up a time for you to be present when the pictures are taken to ensure we have the correct location of the proposed conditional use.

    f.) **Application fee** - $150.00 made out to "Brookings County Zoning"; to be sent along with application.

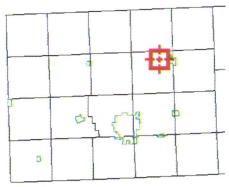
    g.) **All adjoining landowners** will be notified by mail & public notice will be published in the paper, with date & time of hearing of the conditional use request.

    h.) **Plan to attend the zoning meeting** to present your case to the board. You will receive a letter of notification from the zoning office as to the date, time & place of the hearing.

2020 cu 013

Beacon™ Brookings County, SD

Overview



Legend

- Address Layer
- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Parcel ID	012651114911200	**Alternate ID**	n/a	**Owner Address**	BUNGARD, JOSHUA A ET UX
Sec/Twp/Rng	11-111-49	**Class**	NACS		20328 476TH AVE
Property Address	20328 476TH AVE WHITE	**Acreage**	n/a		WHITE SD 57276
District	0110				
Brief Tax Description	LUCAS ADDN IN NW 1/4 SEC 11-111-49 6.32 ACRES (Note: Not to be used on legal documents)				

Date created: 6/4/2020
Last Data Uploaded: 6/4/2020 8:07:20 AM

Developed by Schneider GEOSPATIAL

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting

2020cu014 – July 7, 2020

Prepared by Richard Haugen

Applicant/Owner: Dennis Ommen, 3916 N Potsdam Ave # 4598, Sioux Falls, SD 57104
Site Address: 48345 197th St, Astoria, 57213
Legal Description: "Lot 3 in Ommen Addition in Govt Lot 9 in NE1/4 of Section 12, T112N, R48W (Oak Lake Township)".

Brookings County Zoning Ordinance-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.

2020cu014: Dennis Ommen has applied for Lake-Park District conditional use to build an accessory building 50 feet (wide) x 100 feet (long) with a 14 feet sidewall (5,000 sq. ft.) to be used for personal storage.

Mr. Ommen's lot is 9.58 acres in size and is located in the family owned Ommen Addition on the east side of Oak Lake. The property was platted in the 1972 and rezoned from Natural Resources to Lake Park in 1975. The Ommen's have owned the property since mid-1970's. The balance of Oak Lake is zoned Natural Resources.

Public notices were published in the Brookings Register on June 23 and 30, 2020 and in the White Tri-City Star on June 25 and July 2, 2020.

Letters were sent to the adjoining landowners, Oak Lake Township Chairman and Clerk and Brookings County Highway Department.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: June 4, 2020 Permit Number: 2020cu014

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Building of a shed so I can store my motorhome, Boat, tractor, and other trailers. I also need a shop because I enjoy wood working so I need a big space for this.

50'x100' with 14' side walls

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Article IV District Reg. Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit #6: Accessory buildings with a sidewall greater than 14 feet or more than 20,000 sq. ft. and used accessory bldg. greater than 120 sq. ft.

C.) Legal Description of Property:

Lot 3 ommen addition To The County of Brookings in Goverment Lot 9 in the NE ¼ of Section 12 T 112 N, R 48 W of the 5th PM

Parcel # 13300.11248.121.00

RECEIVED

JUN - 8 2020

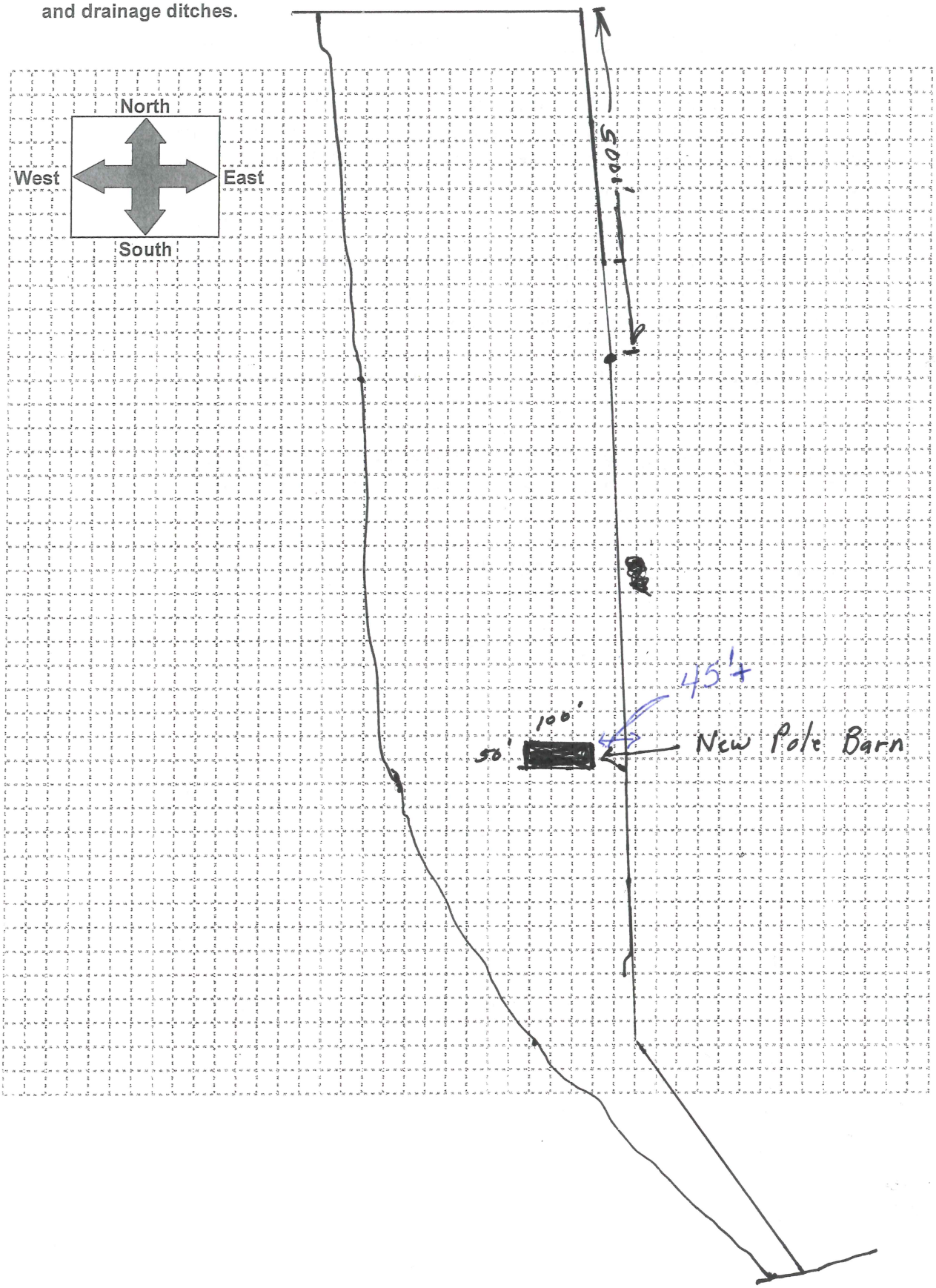
BROOKINGS COUNTY DEVELOPMENT

Form continued on page 2

2020cu014

SKETCH

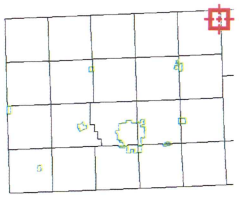
Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



2020 cu 014

Beacon™ Brookings County, SD

Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

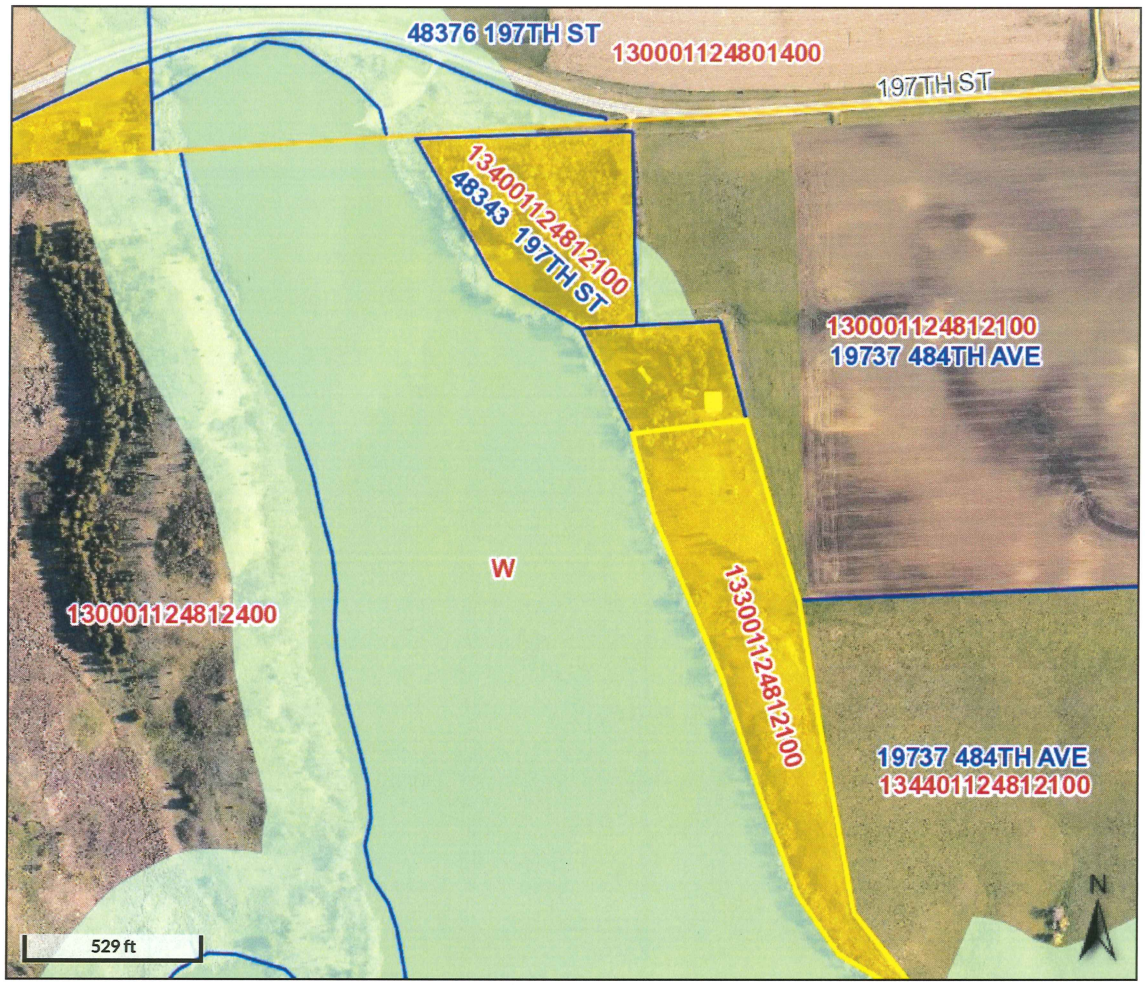
Parcel ID	133001124812100	**Alternate ID**	n/a	**Owner Address**	OMMEN, DENNIS E
Sec/Twp/Rng	12-112-48	**Class**	NAC		3916 N POTSDAM AVE #4958
Property Address		**Acreage**	n/a		SIOUX FALLS SD 57104
District	1310				
Brief Tax Description	OMMEN ADDITION LOT 3 NE 1/4 SEC 12-112-48 9.58 AC				
	(Note: Not to be used on legal documents)				

Date created: 6/8/2020
Last Data Uploaded: 6/8/2020 8:09:01 AM

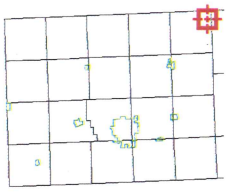
Developed by Schneider GEOSPATIAL

2020 cu014 Zoning District Map

Beacon™ Brookings County, SD



Overview



Legend

- Brookings City Limits
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- Township Boundar
- Sections

Zoning Districts

- Commercial/Indus
- Lake/Park District
- Natural Resource District
- Parcels
- Roads

Parcel ID	133001124812100	**Alternate ID**	n/a	**Owner Address**	OMMEN, DENNIS E
Sec/Twp/Rng	12-112-48	**Class**	NAC		3916 N POTSDAM AVE #4958
Property Address		**Acreage**	n/a		SIOUX FALLS SD 57104
District	1310				
Brief Tax Description	OMMEN ADDITION LOT 3 NE 1/4 SEC 12-112-48 9.58 AC				
	(Note: Not to be used on legal documents)				

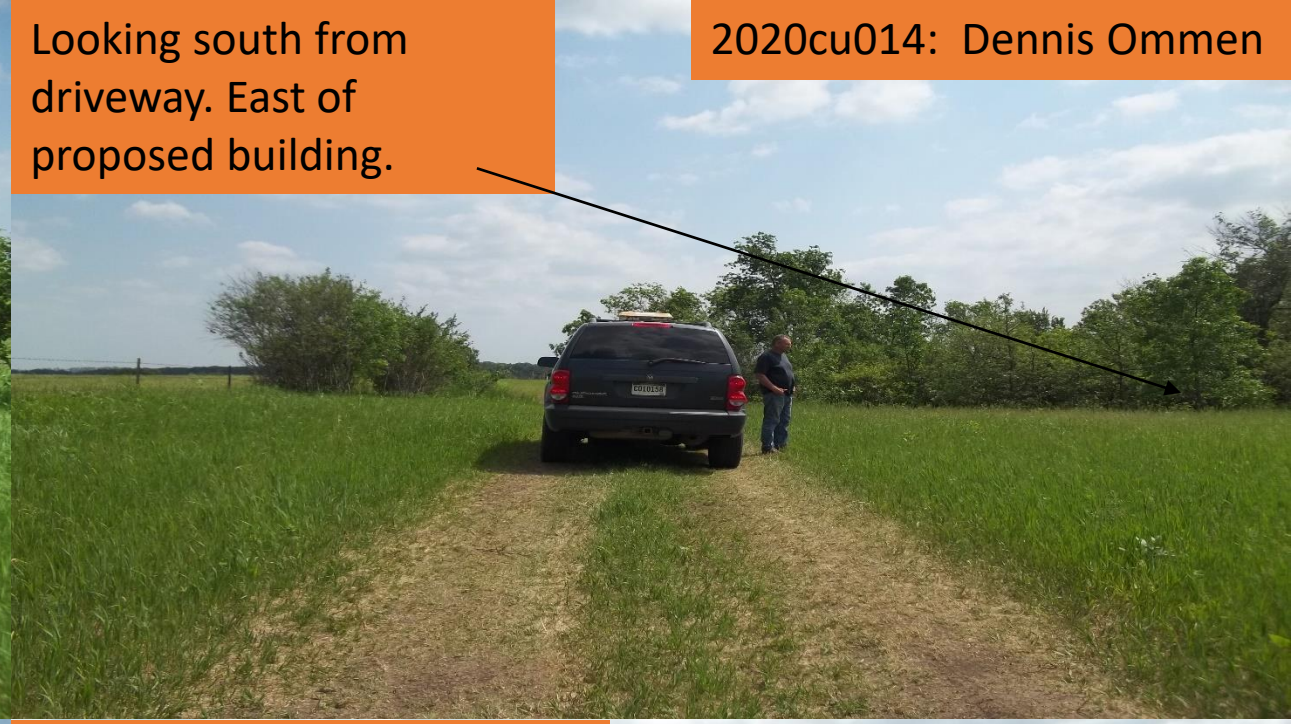
Date created: 6/17/2020
Last Data Uploaded: 6/17/2020 8:09:12 AM

Developed by Schneider GEOSPATIAL

2020cu014: Dennis Ommen

Looking north from driveway.

Looking south from driveway. East of proposed building.



Looking west-northwest from proposed building site.

Looking south-southwest from driveway towards proposed building.

Looking south-southwest from west end of proposed building.

Looking north from west end of proposed building.

Looking east toward proposed west building stake.

Looking east from west end of proposed building stake.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: June 4, 2020 Permit Number: 2020cu014

To: Brookings County Board of Adjustment
520 3rd St, Suite 200
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Building of a shed so I can store my motorhome, Boat, tractor, and other trailers. I also need a shop because I enjoy wood working so I need a big space for this.

50'x100' with 14' side walls

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Article IV District Reg. Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional uses Permit #6: Accessory buildings with a sidewall greater than 14 feet or more than 20,000 sq. ft. and used accessory bldg. greater than 120 sq. ft.

C.) Legal Description of Property:

Lot 3 ommen addition To The County of Brookings in Government Lot 9 in the NE 1/4 of Section 12 T 112 N, R 48 W of the 5th PM

Parcel # 13300.11248.121.00

RECEIVED

JUN - 8 2020

BROOKINGS COUNTY DEVELOPMENT

Form continued on page 2

D.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

July 7, 2020
Date

8:00 PM
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

Dennis Ommen
Person filing petition – print

Person filing petition – sign

48 345 197th ST
Address

Astoria
City

SD
State

57213
Zip Code

612 512 - 8950
Telephone

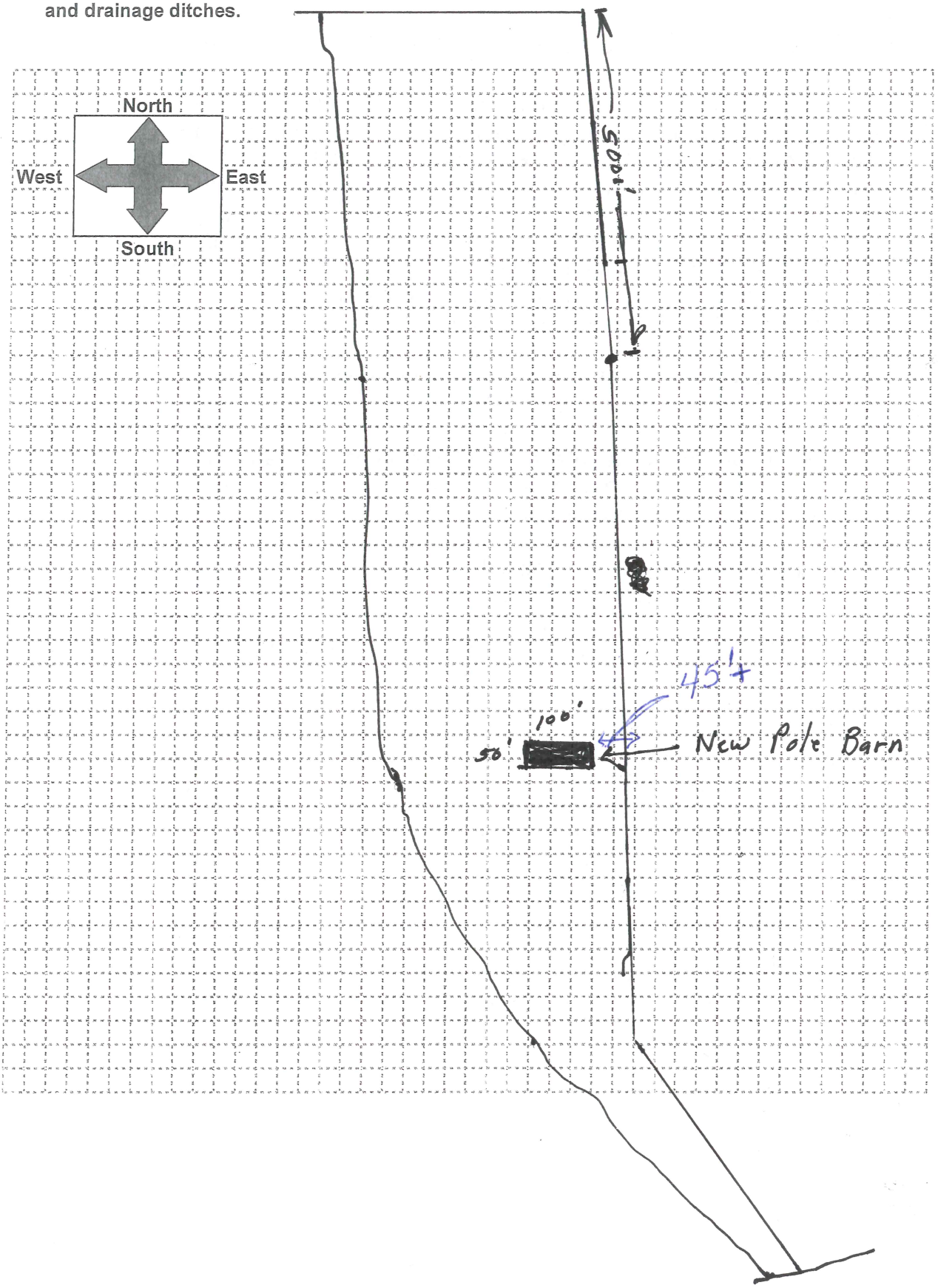
A conditional use that is granted and not used within three (3) years will be considered invalid.

RECEIVED
NOV - 9 2020
COUNTY DEVELOPMENT

2020cu014

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



Guidelines for Applying for a Conditional Use Permit

1. The application, along with a $150.00 filing fee, made out to "Brookings County Zoning"; must be completed & returned to the Brookings County Zoning Office, 520 3rd St, Suite 200, Brookings, SD 57006 by 5:00 P.M. on the second Tuesday of the month, in order to be on the next's month's regularly scheduled meeting agenda. The Zoning Board meets the 1st Tuesday of the Month at 7:00 PM from (November-March), during Daylight Saving Time (April-October) the board meets at 8:00 PM. The meetings are held at the Brookings City & County Government Center, 310 Chambers, 520 3rd St, Brookings, SD 57006.

    a.) **Application**-page 1, **"Purpose of "-** in this area, write down what you propose to do, operate or build.

    b.) **Section of Zoning Regulations to be exempt** – this area will be filled out by the zoning office according to what section of the ordinance pertains to your situation.

    c.) **Legal Description** – is the legal description of the property where you asking for the conditional use.

    d.) **Print & sign your name,** page 2, along with address & phone number.

    e.) **Draw a site plan**, page 3, of proposed conditional use area, as pictures will be taken of this area 2 weeks prior to the meeting date. You will be contacted by the Zoning office to set up a time for you to be present when the pictures are taken to ensure we have the correct location of the proposed conditional use.

    f.) **Application fee -** $150.00 made out to "Brookings County Zoning"; to be sent along with application.

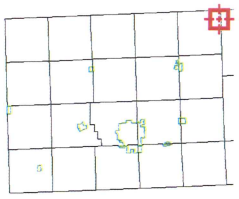
    g.) **All adjoining landowners** will be notified by mail & public notice will be published in the paper, with date & time of hearing of the conditional use request.

    h.) **Plan to attend the zoning meeting** to present your case to the board. You will receive a letter of notification from the zoning office as to the date, time & place of the hearing.

2020 cu 014

Beacon™ Brookings County, SD

Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Parcel ID	133001124812100	**Alternate ID**	n/a	**Owner Address**	OMMEN, DENNIS E
Sec/Twp/Rng	12-112-48	**Class**	NAC		3916 N POTSDAM AVE #4958
Property Address		**Acreage**	n/a		SIOUX FALLS SD 57104
District	1310				
Brief Tax Description	OMMEN ADDITION LOT 3 NE 1/4 SEC 12-112-48 9.58 AC				
	(Note: Not to be used on legal documents)				

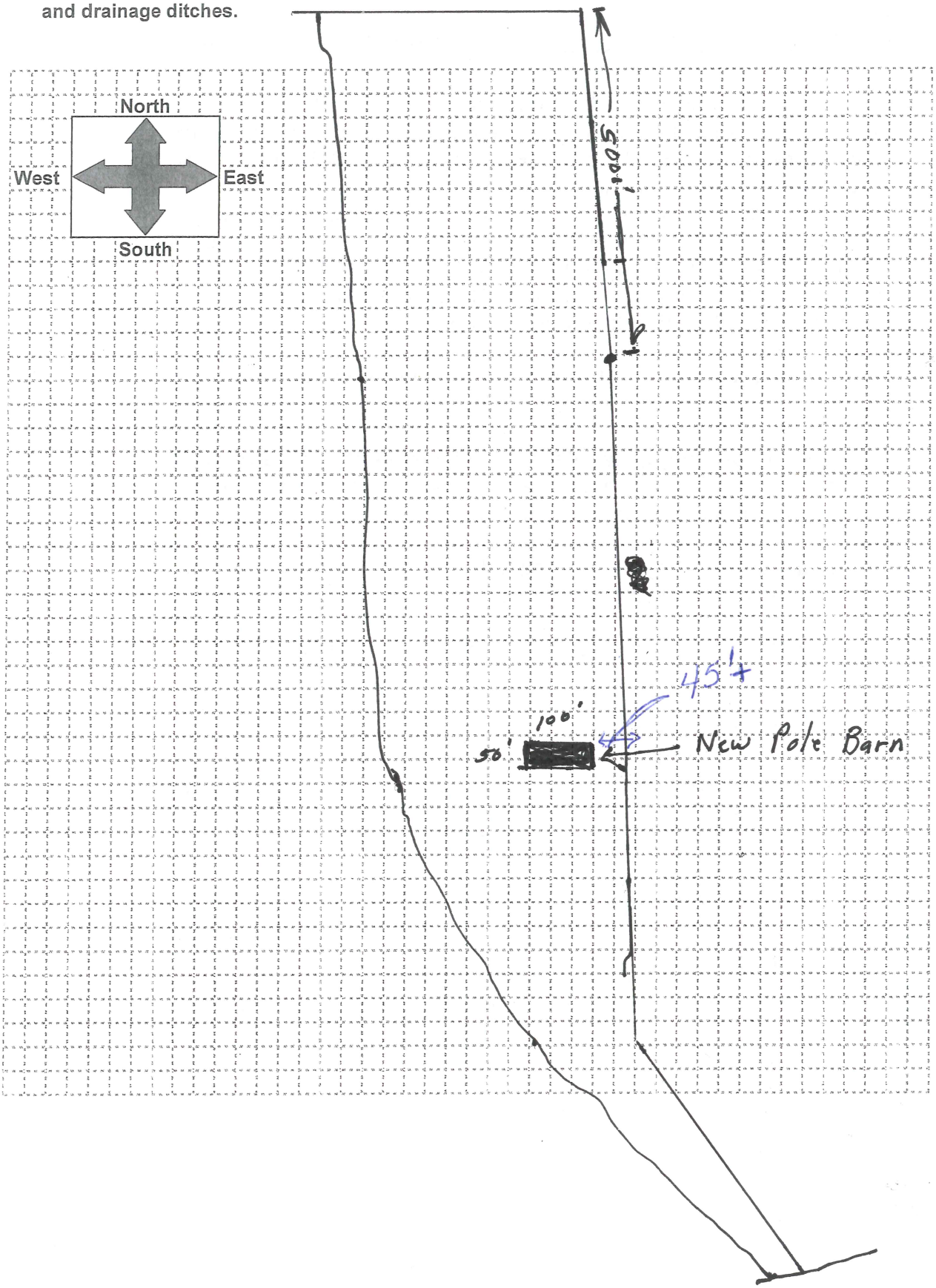
Date created: 6/8/2020
Last Data Uploaded: 6/8/2020 8:09:01 AM

Developed by Schneider GEOSPATIAL

2020cu014

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



Blue – New (change to reflect Brookings Co info) ~~or not relevant to Brkgs Co~~ ~~Red~~ – Tentative remove (detailing note)

Articles of By-Laws for Brookings County Planning Commission

By-Laws of the Brookings County Planning Commission in the State of South Dakota, as adopted January 2, 2001, Amended December 4, 2018 and Amended June XX, 2020.

Article 1: Authority

- The Brookings County Commission is authorized by SDCL 11-2-2 to appoint a commission of five or more members, the total membership of which shall always be an uneven number and at least one member of which shall be a member of the County Commission, to be known as the county planning commission.

Article 2: Jurisdiction

- The commission shall have jurisdiction in all the unincorporated area of Brookings County. This does not include any of the cities and towns in Brookings County.

- The commission will share jurisdiction with the City of Brookings in the 3 mile Joint Jurisdiction Area around the City of Brookings.

- The failure of the planning commission to act within 65 days from and after the date of official submission to it under the provisions of SDCL 11-2-24.1, shall be deemed approval, unless a longer period is granted by the board or other submitting official.

Article 3: Appointment and terms of members

- The planning commission members shall be appointed by the Brookings County Commission.

- The planning commission shall consist of one county commissioner, appointed by the county commission. The Chairperson of the Brookings County Commission may also appoint an alternate County Commissioner to serve in the event of a conflict of interest or absence on the part of the appointed commissioner and eight members, two from each of four established districts and two alternates which will be selected at-large as long as they reside in a non-municipal area of Brookings County. Residents in Joint-Jurisdictional Areas (JJA) of Brookings County are eligible as long as there residence is not in a city limits. These districts are as follows: District 1 consists of Bangor, Volga, Brookings, Lake Sinai, Oslo, and Medary Townships; District 2 consists of Laketon, Preston, Eureka, Winsor, Oakwood, and Sterling Townships; District 3 consists of Argo, Oak Lake, Lake Hendricks, Afton, Sherman, and the northern portion of Richland (Sections 3-34) Townships; District 4 consists of the southern portion of Richland (Sections 3-34), Alton, Aurora, Trenton, Parnell, and Elkton Townships.

- Planning commission members are appointed to four-year terms. These terms

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over-lap; the terms of two members expire in any given year.

- Because the following conditions impair the quality of decision-making and diminish the integrity of the planning commission, a member of the commission may be removed for cause. Reasons for dismissal include but are not limited to continuing unpreparedness, continuing absence from meetings (three consecutive meetings or four regular meetings within a calendar year), biased participation, and conflicts of interest.

- If a planning commission member does not complete their term, the County Commission will appoint another member from that district to complete the term.

- At the first regular meeting in January the Planning Commission shall elect a chair-person, a vice-chairperson and appoint a recording secretary who need not be a member of the Board. The recording secretary can be a member of the planning staff or an employee of the planning commission.

Article 4: Duties of planning commission officers and members

- Chairperson - presides at all hearings and meetings of the commission, assures proper order of the commission and the public in all proceedings, signs all documents of the commission, calls special meetings of the commission in accordance with the by-laws, and ensures that all actions of the commission are properly taken.

- Vice-chairperson - performs the duties and has the responsibilities of the chairperson during the absence, disqualification, or disability of the chairperson. The vice chairperson shall succeed the chairperson and serve the remainder of the term if the position is vacated before the term is completed.

- Chairperson-pro-temp - where both the chairperson and vice chair-person are absent from a hearing or meeting, the remainder of the members of the planning commission shall elect a chairperson-pro-temp from among their own number by majority vote.

- Planning commission members - General duties of the planning commission members include reading mailed materials prior to commission meetings, maintaining familiarity with the Brookings County Zoning Ordinance, visiting sites of agendized zoning items as necessary, attending planning and zoning commission meetings, and participating in the deliberation and decision-making processes of the planning commission. See also "Riggins Rules", "Being a Planning Commissioner", and "Just what is your Planning Commission's Role".

Article 5: Staff of the commission and their duties

- Zoning Administrator - advises the planning commission and County Commission on matters related to planning, development, and redevelopment,

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coordinates and supervises the work of all other staff and consultants, prepares all documents for presentation to the planning commission with assistance from the secretary, and assists the chairperson in the exercise of his or her duties. The zoning administrator or designee shall have the privilege to address the planning commission during regular meetings.

- Secretary - Keeps the minutes of all meetings of the commission and other commission records, prepares the agenda for all meetings of the commission, and informs the members of the time of any special meetings, informs the commission of correspondence relating to business of the commission and attends to such correspondence, and handles funds allocated to the commission in accordance with its directives, the law and county regulations.

- Commission staff - the planning commission may appoint other staff members to carry out appropriate functions.

- Consultants - the planning commission may hire consultants to perform planning-related activities under terms of contract prepared by the zoning administrator and approved by the planning commission.

- The deputy state's attorney shall serve as legal counsel to the planning commission; prepares memoranda of law as requested by the planning commission, and reviews drafts of ordinances, resolutions, and by-laws, and their amendments.

Article 6: Meetings and Hearings of the Planning Commission

- The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regularly scheduled meeting. The commission must meet at least once a month unless there are no agenda items. The regular meeting date shall be the first Tuesday of the month. The meetings shall be held at Brookings City & County Government Center, unless the notice of the meeting says otherwise. The regular meeting time is established as 8:00 p.m. from April through October and 7:00 p.m. from November through March. Meetings will be televised and offer the option of teleconference attendance when advertised as such.

- A working session is a noticed official hearing open to the public to discuss specific matters before the commission. The intent of the working session is informational; the planning commission may neither deliberate nor take a substantive vote during a working session.

- Special meetings can be held at any time and may be called by the zoning administrator, chairperson, vice chairperson, or a majority of the members of the planning commission. At least 24 hour notice should be given to each member of the commission.

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- Any meeting of the commission may be continued or adjourned from day to day or for more than one day. An adjournment can only last until the next regularly scheduled meeting.

- An executive meeting is closed to the public with topics of deliberation that are truly confidential in nature; the planning shall neither deliberate nor vote on agendized items before the commission. Executive meetings can be called on an as-needed basis. **Following manners described in SDCL 1-25-2: and SDCL 9-34-19.**

- A majority of the members of the commission entitled to vote shall constitute a quorum.

Article 7: General Order of Business: Any regular meeting of the Planning Commission shall follow this order.

1) Call To Order

2) Approval of minutes from the preceding meeting

3) Addition of items to the agenda

4) **Declaration of intent by member of the public to address the Board during the Open Session.**

5) **Disclosure of Conflicts of Interest; Relationship(s) to Applicant; or Ex Parte Communication**

6) **Approval of Agenda**

7) Scheduled matters

   Consent items. There are items that require little or no discussion by the planning commission, public, or applicant. The planning commission may act on these items in one motion. If any concerns are expressed regarding one of these items, it will be considered by the planning commission in its regular position on the agenda.

8) Public hearings

9) Appeals

10) Personal appearances. Any citizen wishing to speak on a matter not scheduled on the agenda may do so during this time. The planning commission does not take immediate action on items presented under personal appearances. Time limited to 5 minutes per person.

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11) Committee Reports from sub-groups of planning commission (if any)

12) Director's Report

13) Adjournment

Article 8: Order of a Public Hearing

1) Sign-in sheet, listing printed name will be available at the rear of the meeting location.

2) Determination of quorum.

3) The planning staff presents its report and makes recommendations. At this time, the planning commission may ask the staff any questions regarding its report.

4) Testimony of agencies related to the item.

5) Applicants and proponents of the item make their presentation.

6) Any opponents or interested citizens make presentations.

7) Concluding comments of the applicant in order to make additional comments or answer arguments not previously covered.

8) Concluding comments of the planning staff.

9) The planning commission asks any questions it may have of the applicant, the public, or the staff.

10) Request of the Chairperson for a motion to close the public hearing.

11) The commission takes a vote on the public hearing.

Article 9: Form and character of motions.

- The form and character of motions shall conform to those offered within Robert's Rules of Order

Article 10: Items relating to Joint Meetings of the City and County Planning Commissions regarding the Joint Jurisdictional Area

- The city and county chairpersons shall alternate presiding over the joint meetings.

- Whichever planning commission first makes a motion for an agenda item shall also be the commission that shall second the motion. A motion shall die for lack

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of a second. The meeting chairperson shall recognize any member of either planning commission who wishes to speak to the motion or the second. Following discussion on the motion, the chairperson of the planning commission that made the motion shall call for a vote on the pending motion.

Article 11: Quorum and voting requirements

- A majority of the appointed citizen members of the planning commission shall constitute a quorum; ex officio members shall not be counted within a quorum. A quorum must be in attendance before the commission can begin business or make recommendations. Conditional use permits and variances require a two-thirds majority of the full board as required in SDCL 11-2-59.

- All members of the commission have one vote. Voting is by a verbal "yes" or "no" and shall be recorded in the minutes. The order of voting is to be rotated each month, with the chairperson voting last. No explanation of the vote is to be given at this time.

- A majority of the citizen members of the planning commission shall be required to pass a motion.

- All votes shall be taken by the Secretary in random order, except that the chairperson shall vote last.

- Abstention from voting shall not be counted in the determination of a motion but shall be recorded.

- In the event of a tie vote, the motion shall have been defeated.

- The chairperson has the same rights to propose motions and vote as any other member.

- Any member of the planning commission who feels he/she has a conflict of interest on any matter on the planning commission agenda shall voluntarily excuse him/her- self, vacate his seat, and refrain from discussion and voting on the item as a planning commissioner.

Article 12: Requirements for the submission of requests

- Applications for certain actions that require public hearings (conditional use permits and variances) need to be in the office of the zoning office supervisor by 5 PM on the 2nd Tuesday of any month in order to be placed on the following month's agenda for action. Any plans or maps needed for the public and the planning board members to study before the meeting must be included with the application. Legal notice shall be publicized in the appropriate newspaper two

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weeks prior to the meeting when action is proposed to take place. Failure to comply with the application deadline will mean automatic delay of one month before action will be taken.

- The secretary of the planning commission shall certify the completeness of submissions.

- Certified requests shall be fully noticed under requirements of law and agendized on the planning commission calendar on the same day.

- Written testimony will be accepted until 12:00 pm (noon), on the Friday prior to the meeting or the last business day should the Friday fall on a holiday closure.

- No written testimony provided after 12:00 pm (noon), on the Friday prior to the meeting or the last business day should the Friday fall on a holiday closure will be accepted by staff, or the Board of Adjustment. (See exception below)

    - Exception: Petitions may be submitted at a meeting as testimony and admitted into the record provided the grounds for the petition are verbally presented at the meeting by the individual or entity submitting the petition in accordance with the time limits established by these By-laws or the Chairperson.

- Any request disapproved by the planning commission shall not be resubmitted for a period of six months.

- The County commission may establish a reasonable fee schedule in order to recover costs associated with notice publication, request processing, agenda, staff report and related materials (such as duplication and distribution); moreover, the planning commission may require the applicant to post signs on the affected property, in conformance with provisions of the ordinance, and to notify adjacent property owners, tenants, and community residents of the nature of the applicant's request.

Article 13: Instruments and documents of the planning commission

- The official instruments of the planning commission are the staff reports, record of notice, the agenda, and the minutes ~~of hearing, and meetings~~, applicant notification letter, letters of agreement/assurance, and findings of facts. Where in special cases the planning commission wishes to provide advice to the legislative body or administrative agency, it may do so by resolution.

- Any and all materials submitted to the planning commission ~~regarding an item shall be entered into the public record by a motion to "Accept for the record."~~ in accordance with these By-Laws and the Brookings County Zoning Ordinance regarding and item entered into the public record.

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- All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, staff reports, minutes of hearings and meetings, and resolutions shall constitute the documents of the Planning Commission and shall be indexed as a matter of public record.

Article 14: Administrative calendar

- Notice for all hearings and meetings shall conform to requirements of law.
- The election of planning commission officers for the coming year shall occur at the annual meeting of the planning commission.
- The regular meeting schedule for the coming calendar year shall be deter-mined determined at the annual meeting of the planning commission.
- Copies of the agenda, requests, staff reports, and related documents shall be delivered to each planning commission member no less than five working days prior to a public hearing and regular meeting.
- All maps, plats and other matters required by law are to be filed at the County Zoning Office.
- Matters referred to the commission by the County Commission shall be placed on the agenda for consideration and action at the next commission meeting.

Article 15: Conduct of the members of the planning commission

- The planning commission represents the whole community. Its principle responsibility is neither to the developer nor to the applicant. Members must be objective and make decisions that further the best interests of the whole community.
- Planning commission members must be committed to the concept of planning and zoning.
- Members must have the ability to grasp and discern the essential facts and issues of a problem and without becoming waylaid by side issues. They must have the strength to make decisions. The commission can pull together the different sides of an issue and try to reach an acceptable middle ground.
- Members of the planning commission shall take such time as to prepare themselves for hearings and meetings.
- Any citizen member of the planning commission absent from three consecutive regular meetings or any four regular meetings within a calendar year, without being excused by the chairperson, may be removed for cause.

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- A planning commission member with a conflict of interest in an item before the com- mission must state that a conflict of interest exists and withdraw from participation in the public hearing, working session, emergency meeting, or regular meeting on that item.

- The interests of that planning commission member may be represented before the planning commission by a specifically designated representative or legal agent at the public hearing or working session, and testimony entered into the public record.

- When a member stands to gain or lose money as a result of a planning commission, the member should abstain and not participate in any presentation, discussion, or voting related to the item.

- If a planning commission member makes application to the planning and zoning commission on their own behalf, they will be permitted to make their presentation to the commission in the same manner that any other applicant would be allowed to do. However, they will abstain from discussion and voting related to the item.

- If at all possible, planning commission members who will not be able to attend the meeting should notify the planning office by 5:00 p.m. the day of the meeting or sooner.

- Planning commission members will not accept gifts from known opponents or applicants with matters pending before the board.

Article 16: Conduct of persons before the planning commission

- During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to "disregard" the comment, which nevertheless remains in the public record.

- During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.

- During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of com- mission affairs may be ruled by the chairperson as "out-of-order" and the

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offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to "eject" from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of hearing or deliberation on that item.

Article 17: Separability

- Should any article of the planning commission by-laws be found to be illegal, the remaining articles shall remain in effect.

Article 18: Adoption and amendment of by-laws

- By-law adoption or amendment shall be made following review by the legal counsel.
- The by-laws shall be adopted or amended upon a vote of a majority plus one of the citizen members of the planning commission.
- Adoption or amendment of by-laws takes effect immediately following a successful vote.
- The by-laws may be amended at any meeting of the planning commission provided that notice of said proposed amendment is given to each member in writing at least 2 weeks prior to the meeting.

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