

Ordinance 2018- 05

An Ordinance Authorizing Rezoning of "N528' of the S921' of the W445.5' of the SW1/4 of Section 2, T111N, R48W of the 5th P.M., Brookings County, South Dakota (Sherman Township)" from an Agricultural District to a Commercial/Industrial District.

WHEREAS, Timothy Murphy made an application to the Brookings County Zoning Board to rezone property from Agricultural District to Commercial/Industrial District.

WHEREAS, the Brookings County Zoning Board approved the application to rezone property on September 4th, 2018;

WHEREAS SDCL 11-2-30 requires the Brookings County Commission to adopt or reject the change;

THEREFORE BE IT ORDAINED, BY BROOKINGS COUNTY, SOUTH DAKOTA that the following property be rezoned from Agricultural District to a Commercial/Industrial District:

"N528' of the S921' of the W445.5' of the SW1/4 of Section 2, T111N, R48W of the 5th P.M., Brookings County, South Dakota (Sherman Township)"

Dated this 11th day of October, 2018.



Lee Ann Pierce, Chairman
Brookings County Commission




Vickie Buseth, Finance Officer
Brookings County

First Reading: September 25th, 2018

Second Reading: October 16th, 2018

Adopted: October 16th, 2018

Publication Date: October 25th, 2018

Effective Date: November 15th, 2018

BROOKINGS COUNTY DEVELOPMENT

Brookings City & County Government Center
520 3rd Street, Suite 200
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Commission
September 25, 2018 meeting

September 5, 2018: The Brookings County Planning and Zoning Commission recommends approval of rezoning request 2018rz002 by Timothy Murphy to rezone 5 acres, with a legal description of : "The N528' of the S921' of the W445.50' of the SW1/4 of Section 2, T111N, R48W of the 5th P.M., Brookings County, South Dakota" (Sherman Township)" from an "Agricultural District" to a "Commercial/Industrial District" with a unanimous vote of 8-ayes and 0-nays at their September 4, 2018 meeting.

Brookings County Planning and Zoning Commission
September 4, 2018 – 8:00 PM meeting

2018rz002 – September 4, 2018

Prepared by Richard Haugen

Applicant/Owner: Timothy Murphy, 20346 483rd Ave, White, SD 57276

Legal Description: "The N528' of the S921' of the W445.50' of the SW1/4 of Section 2, T111N, R48W of the 5th P.M., Brookings County, South Dakota" (Sherman Township)"

2018rz002: Tim Murphy has applied for the rezoning of 5 acres, with the legal description of: "*The North 528 feet of the South 921 feet of the West 445.50 feet of the Southwest Quarter of Section 2, Township 111 North, Range 48 West, Brookings County, South Dakota*" (Sherman Township)" from agricultural to commercial district. The land is contained in a 157 acre parcel that being used for crop production. The five acres will located in the southwest corner of the property. The proposed driveway for access will be located approximately 500 feet north of South Dakota Highway 30 on 482nd Ave, a Sherman Township gravel road. The lay of the land prevents them from locating closer to the highway. The ground is lower and there is a natural water flow in the area between the proposed site and the highway. Coyote Ridge Wind LLC has been in contact with the Sherman Township regarding a road agreement for 482nd Ave. The five acre site will be used for the location of the Coyote Ridge Wind LLC, Operation and Maintenance Center. The land owners will have a long term

lease with Coyote Ridge Wind LLC for the proposed Operations and Maintenance Center. The operations and maintenance center is a conditional use in the "Commercial/Industrial" District. Coyote Ridge Wind LLC has applied for a conditional use and we will be hearing it the same night. The proposed property meets the requirements for Brookings County Zoning Ordinance, Article IV: District Requirements: Chapter 4.02-"CI"-Commercial/Industrial Districts.

It meets the Brookings County Comprehensive Plan requirements for Commercial/Industrial Development policies on pages 47, 48 and 49.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN GENERAL: It is the goal of Brookings County to encourage the continuation of agricultural production, while promoting cost effective, value added agricultural processing efforts.

Policies:

- **Promotion or encouragement should be given to agricultural production and processing activities that benefit the agriculture industry.**
- **Commercial and industrial development should take advantage of existing utility networks and transportation systems.**
- **Commercial and industrial development, such as value added Agricultural industries, should be compatible with adjacent land uses.**
- **Discourage the rezoning of property to allow for Commercial/Industrial uses unless the following general commercial/industrial criteria are met:**
 - **Adjacent to county and state highways – US Highway 30**
 - **Rail access for industrial uses – no**
 - **Controlled access onto major highways – Stop sign on 482nd Ave and South Dakota Highway 30.**
 - **Adequate buffering from neighboring uses – Meets setback requirements**
 - **Hard surfaced driveways and parking areas –**
 - **Uses which may be accommodated within municipal city limits are encouraged to be located in city limits – No.**
 - **Proposed development adjacent to municipal boundaries is encouraged to be annexed by the municipality prior to development. – No.**

The property is located in rural Sherman Township.

Public notices were published in the Brookings Register on August 21st and 28th, 2018, 14 days before the public hearing and White Tri-City Star on August 23rd and 30th, 12 days before the public hearing. The applicant notified abutting landowner's by certified mail of the proposed rezoning request at least 10 days prior to the public hearing.

Letters were sent to the abutting landowner's, Sherman Township Chairman and clerk, and the applicant.

2018r2003

PETITION FOR REZONING



To the Brookings County Commissioners
And County Planning Commissioners

Gentlemen:

We (I), the undersigned, owner (s) of the property described in paragraph 1 below, do hereby respectfully petition your Honorable Body to amend the present Brookings County Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area to be rezoned is contained in the following legal description:

The Southwest Quarter (SW1/4) of Section Two (2), Township One Hundred Eleven North (111 N), Range Forty-eight (48), West of the 5th P.M., Brookings County, South Dakota

* N 538' of S 921' of W 445.5' of SW 1/4 Sec 2, T111N, R48W *

2. That it is requested and desired that the foregoing property be rezoned from the

Agriculture District to the Commercial District.

3. That the reasons for requesting the change are as follows:

This rezoning application is to request changing the zoned use from "A" Agricultural District to Commercial/Industrial District. We are requesting the change for a 5 acre parcel for construction and operation of an Operations and Maintenance building and associated equipment storage for the Coyote Ridge Wind Farm.

4. That the undersigned below own (s) property within the area which is requested to be rezoned.

5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning takes place.

6. That in addition to the name (s) given below, there is also attached a plat and the names and mailing addresses of abutting landowners. (Property shall be considered as abutting even though it may be separated from the property of the petitioner by a public road or highway.)

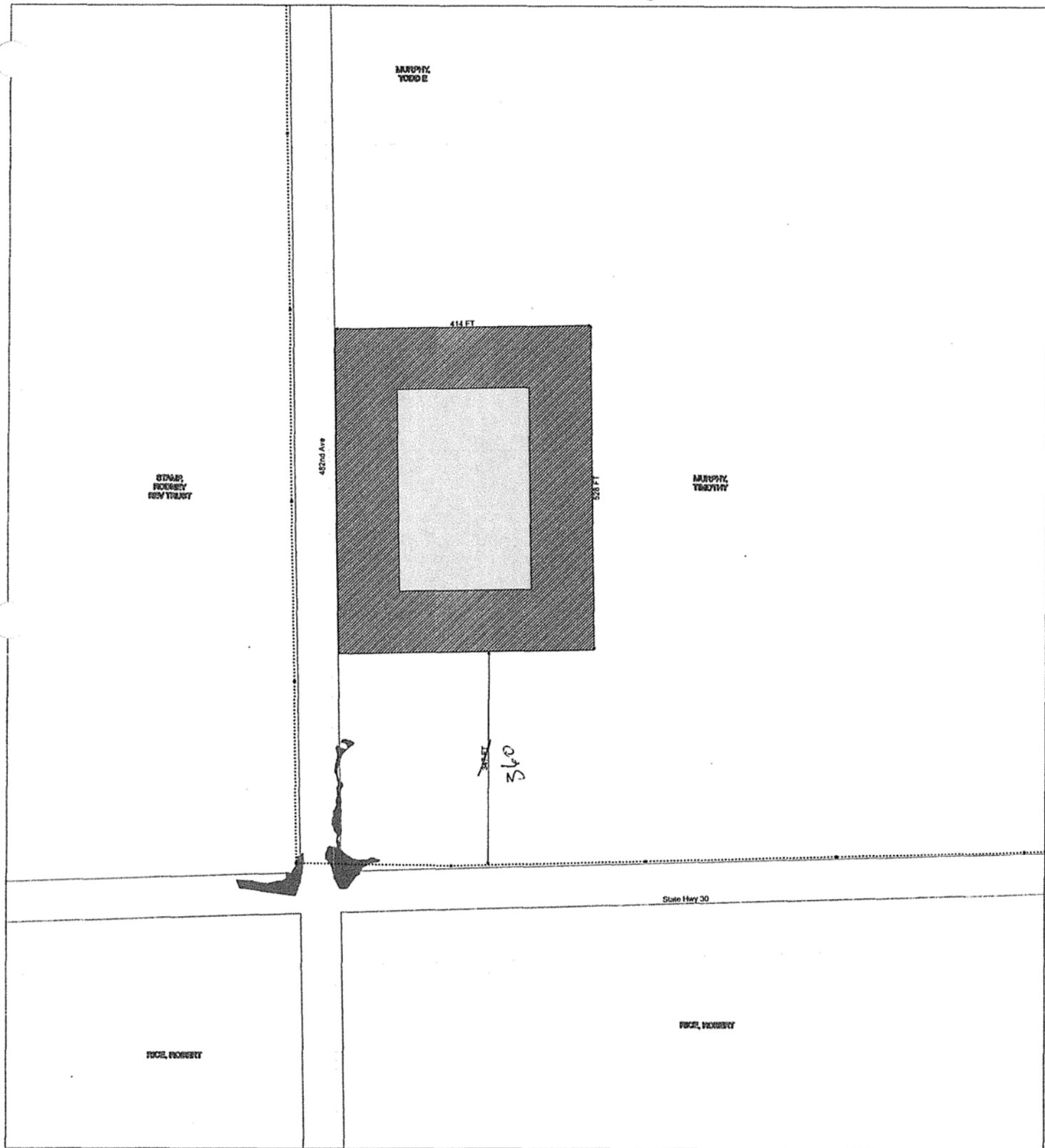
7. That the undersigned shall notify all abutting landowners by registered or certified mail of the petitioned zoning change at least one week prior to any public hearing held thereon by the County Commissioners or County Planning Commission.

Respectfully,

Signed	(Date)	(Name)	(Address)	(Phone)	Description of Property
<i>Timothy Murphy</i>	08-03-18	Timothy Murphy			
<i>Nichelle Murphy</i>	08-03-18	Nichelle Murphy			

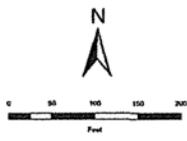
Timothy and Nichelle Murphy, 19930 Ramlo Shores, Hendricks, MN 56136 (605-695-9813) Agriculture

2018r2 002 + 2018u 020



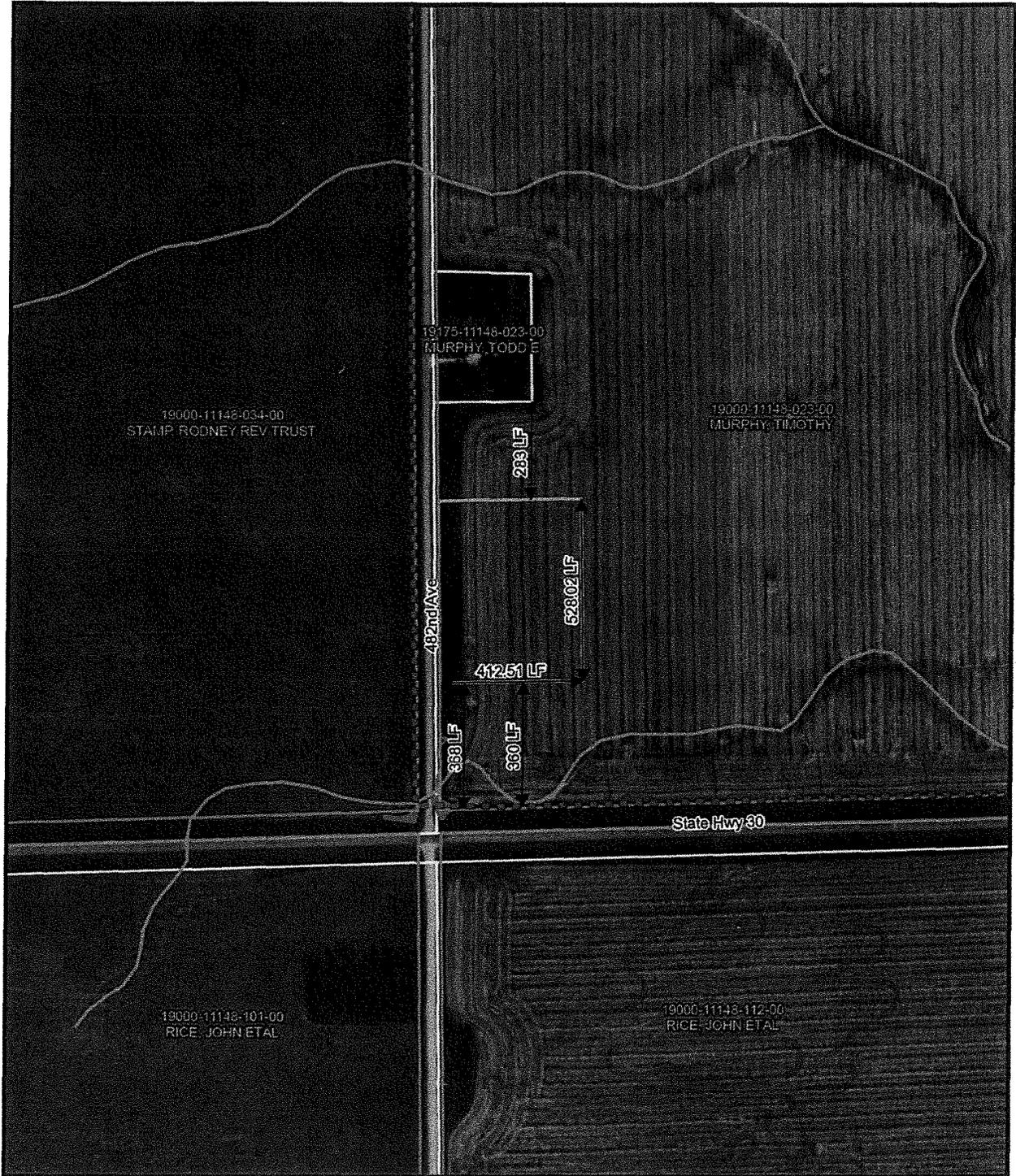
- Power Poles
- Road ROW
- Overhead Electrical
- Proposed O&M Facility
- ▨ Setback Buffer (100')
- ▭ Parcels
- Wetlands Delineated

**Proposed O&M Facility
Coyote Ridge Wind Project**

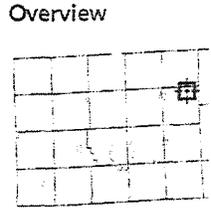


10/20/2018 10:00 AM

2018 rz002 + 2018 24020



<p>— Road ROW</p> <p>■ ■ ■ Overhead Electrical</p> <p>— Streams</p> <p>■ Wetland Delineation</p> <p>□ O&M Facility (~5 acres)</p> <p>□ Property Boundary</p>	<p>N</p> <p>0 200 400 600</p> <p>Feet</p>	<p>O&M Facility</p> <p>Coyote Ridge Wind Project</p> <p>AVANGRID</p> <p>RENEWABLES</p>
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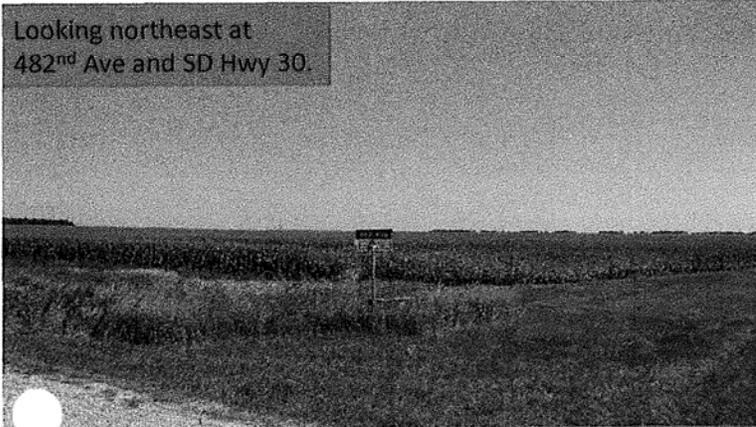
- Legend**
- Brookings City Limits
 - City Limits
 - Township Boundar
 - Sections
 - Parcels
 - Roads

Parcel ID	190001114802300	Alternate ID	n/a	Owner Address	MURPHY, TIMOTHY
Sec/Twp/Rng	2-111-48	Class	AGA		20346 483RD AVE
Property Address		Acreage	157.53		WHITE SD 57276
District	1910				
Brief Tax Description	SW 1/4 EXC MURPHY ADDN SEC 2-111-48 157.53 AC				
	(Note: Not to be used on legal documents)				

Date created: 8/3/2018
Last Data Uploaded: 8/2/2018 10:49:51 PM

Developed by Schneider
GEOSPATIAL

Looking northeast at
482nd Ave and SD Hwy 30.



Looking east along SD
Hwy 30.



2018rz001: Thomas Murphy

Looking west along
SD Hwy 30.



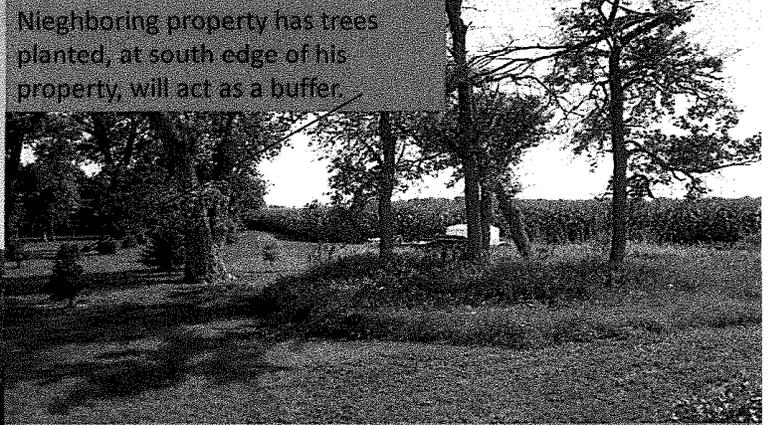
Looking north on 482nd
Ave from SD Hwy 30.



Looking east from 482nd Ave towards proposed site.



Neighboring property has trees planted, at south edge of his property, will act as a buffer.



Looking northwest from SD Hwy 30. Showing lower area of the field.



Looking north-northwest from SD Hwy 30. Showing lower area of field.

