

BROOKINGS COUNTY DEVELOPMENT

Brookings City & County Government Center
520 3rd Street, Suite 110
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Commission

June 17, 2025, County Commission meeting.

July 8, 2025, County Commission and Brookings City Council, joint meeting.

June 4, 2025: The Brookings County Planning Commission met jointly with the Brookings City Planning Commission on Tuesday, June 3, 2025, for the rezoning application from Richard L & Donna Rudebusch to rezone property located in the Joint Jurisdiction area from Joint Jurisdiction Agricultural to Joint Jurisdiction Residence R-1A Single Family District. The Brookings City Planning Commission voted 3-ayes and 5-nays and Brookings County Planning Commission voted 0-ayes and 8-nays to unanimously recommend denial of the Joint Jurisdiction rezoning request, as it did not meet the requirements stated in Brookings City Planner Ryan Miller's staff report.

The rezoning request will be forwarded to the Brookings County Commission and Brookings City Council by the respective Commission's for final approval or denial at a joint meeting.

Joint Jurisdiction joint meeting Brookings County Planning and Zoning Commission
and City of Brookings Planning Commission.

June 3, 2025 – 8:00 PM meeting

2025jjrz002 – June 3, 2025

Prepared by Richard Haugen

Applicant/Owner: Richard L & Donna Rudebusch, 1021 Vine St, Brookings, SD 57006

Site address: 1809 W 20th St s, Brookings, SD 57006

Legal Description: "East 1 Acre of Rudebusch Addition Easterly 2 Acres of Lot 1 in NE1/4 of Sec 4, T109N, R50W (Medary Township)".

2025rz002: Richard L & Donna Rudebusch has applied for rezoning of "East 1 Acre of Rudebusch Addition Easterly 2 Acres of Lot 1 in NE1/4 of Sec 4, T109N, R50W (Medary Township)" located in the Brookings City/Brookings County Joint Jurisdiction Area from a "Joint Jurisdiction Agriculture" to a "Joint Jurisdiction R1A-Single Family District". The property is located west of the intersection of W 20th St S and W 16th Ave S. Lot 1 of Rudebusch Addition was platted on October 24, 1989. The "Easterly 2 acres of Lot 1 was deeded off on November 18, 1989" as there was a mobile home on the property at that time which was a nonconforming use. The mobile home was removed, and property became a non-buildable lot for a residence in the Agricultural District, as it was a non-conforming use. The property is in the Floodplain and

2025rz002

Staff Report

June 3, 2025

Page 1 of 2

would need to follow the City of Brookings Floodplain Ordinance for building in the floodplain, if the rezoning request is approved. The current owner has a purchase agreement for the above described property provided this rezoning request is approved.

The Brookings County Development Office has reviewed the rezoning request and has no objections to the request, providing it meets the requirements of the Brookings City Community Development Office. Brookings City Planner, Ryan Miller's report is included in the report.

The rezoning request will be heard by a joint meeting of the Brookings County Planning and Zoning Commission and the City of Brookings Planning Commission, as it is in the Joint Jurisdiction Area. The decision made by the Joint Planning Commissions is a recommendation to the Brookings County Commission and the Brookings City Council for the final decision of the rezoning request.

Public notices were published in the Brookings Register on May 20 and 27, 2025. The applicant notified abutting landowners by certified mail of the proposed rezoning request at least 14 days prior to the public hearing.

Letters were sent to the Medary and Brookings Township Chairman and Clerk, Brookings County Highway Department.

PETITION FOR REZONING

RECEIVED

2025jjr2.002

MAY 13 2025

To the Brookings County Commissioners
And County Planning Commissioners

BROOKINGS
COUNTY DEVELOPMENT

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:

East 1/2 Acre of Rudebusch Addn Easterly 2 Acres of Lot 1 in 1/4 E 1/4
of Sec 4-109-50 2.00 Acres

2. That it is requested and desired that the foregoing property be rezoned from the JJ-A District to the JJ-R1A District.

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

To allow a single family home to be built on the East Acre of
above property description.

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

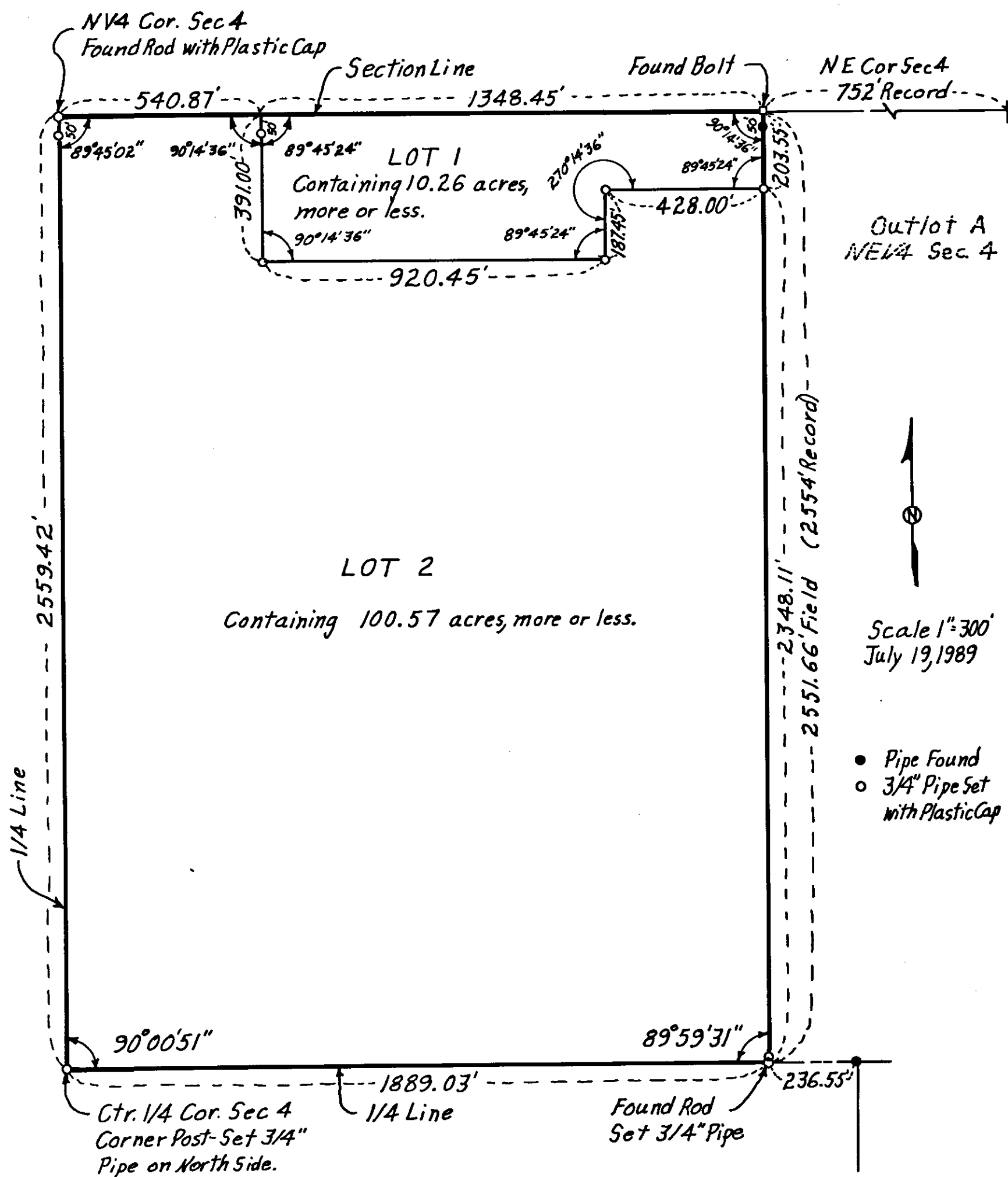
5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning takes place.

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 **14 days** prior to any public hearing held thereon by the County Commissioners or County Planning Commission.

Respectfully,

| Signed | (Date) | (Name) | (Address) | (Phone) | Description of Property |
|--------------------|--------------------|------------------------|--|---------------------|-------------------------|
| <u>[Signature]</u> | <u>May 7, 2025</u> | <u>Thomas Chalker</u> | <u>410 20th Ave Brookings SD 57006</u> | <u>605-690-3429</u> | <u>See Above</u> |
| <u>[Signature]</u> | <u>5-7-2025</u> | <u>1021 Vine St</u> | <u>Brookings SD</u> | <u>605-690-8609</u> | |
| <u>[Signature]</u> | <u>5-7-25</u> | <u>1021 Vine St</u> | <u>Brookings SD</u> | <u>605-690-4447</u> | |
| <u>[Signature]</u> | <u>5-7-25</u> | <u>Nichole Chapman</u> | <u>428 Western Ave. Cir. Brkgs</u> | <u>605-690-7087</u> | |



PLAT OF
 LOTS 1 AND 2 RUDEBUSCH ADDITION IN THE
 COUNTY OF BROOKINGS, located in the NE1 of
 Section 4, T109N, R50W of the 5th P.M.,
 Brookings County, South Dakota.

SURVEYOR'S CERTIFICATE
 I, Wayne R. Haug, a Registered Professional
 Engineer and Land Surveyor in South Dakota,
 do hereby certify that at the instance and
 request of Janice L. Rudebusch, representing
 the owners, that I did on or before July 19,
 1989, survey the parcel of land as shown on
 the accompanying plat.
 I further certify that the said plat is
 a true and correct representation of the
 said parcel as so surveyed and platted by
 me into PLAT OF LOTS 1 AND 2 RUDEBUSCH
 ADDITION IN THE COUNTY OF BROOKINGS, located
 in the NE1 of Section 4, T109N, R50W of the
 5th P.M., Brookings County, South Dakota.
 This plat correctly shows the results of
 this survey and each corner is marked by a
 pipe or monument as shown.
 IN WITNESS WHEREOF I hereunto set my hand
 and seal this 7th day of August, 1989

Wayne R. Haug
 Wayne R. Haug
 Registered Professional
 Engineer and Land Surveyor
 No. 2249.

OWNER'S CERTIFICATE
 This is to certify that we, Gary A.
 Rudebusch and Janice L. Rudebusch, husband
 and wife, owners of the tract of land
 described as a part of the NE1 of Section 4,
 T109N, R50W of the 5th P.M., Brookings
 County, South Dakota and referred to in the
 accompanying Surveyor's Certificate. We
 further certify that we had Janice L.
 Rudebusch request Wayne R. Haug to plat
 this tract and that we hereby approve this
 survey and plat as PLAT OF LOTS 1 AND 2
 RUDEBUSCH ADDITION IN THE COUNTY OF BROOKINGS,
 located in the NE1 of Section 4, T109N,
 R50W of the 5th P.M., Brookings County,
 South Dakota, as is shown on this plat.
 We further certify that the development
 of this land shall conform to all existing
 applicable zoning, subdivision, erosion,
 and sediment control regulations.
 IN WITNESS WHEREOF the said owners
 hereunto set their hands this 15th day
 of August, 1989.

TREASURER'S CERTIFICATE
 I, Alma Hanson, Treasurer of Brookings County,
 SD, hereby certify that all the taxes which are liens upon any
 of the property included in the accompanying plat of Lots 1
 and 2 Rudebusch Addition in the County of Brookings have been
 paid according to the records in the Treasurers Office.
 Dated at Brookings, South Dakota, this 22 day of Aug.,
 1989.

Alma Hanson
 Treasurer

CERTIFICATE OF DIRECTOR OF EQUALIZATION
 I, Martha Allen, Director of Equalization, hereby
 certify that I have received a copy of the accompanying plat of
 Lots 1 and 2 Rudebusch Addition in the County of Brookings
 according to the Laws of the state of South Dakota.

Martha Allen
 Dir. Director of Equalization

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS
 It was moved by Arthur Gracie and seconded by
Shirley Oschey, and the motion carried, that the plat as
 shown hereon and as described in the accompanying certificates
 of and designated as PLAT OF LOTS 1 AND 2 RUDEBUSCH ADDITION
 IN THE COUNTY OF BROOKINGS be approved and accepted and the County
 Auditor is hereby instructed to endorse on such plat a copy of
 this resolution and to certify the same.
 I, Shirley Oschey, County Auditor of Brookings County
 hereby certify that the accompanying plat was approved and accepted
 by the Board of County Commissioners at its meeting of October
24th, 1989.

Shirley Oschey
 County Auditor

OFFICE OF REGISTER OF DEEDS
 Filed for record this 24th day of October, 1989
 A.D. at 9:25 A.M., and recorded in Book of Plats 17
 on page 27 therein.

Anna C. Stead
 Register of Deeds

STATE OF SOUTH DAKOTA }
 COUNTY OF Brookings } SS
 On this the 15th day of August,
 1989, before me, Gary A. and Janice L. Rudebusch,
 the undersigned officer, personally
 appeared Gary A. Rudebusch and Janice L.
 Rudebusch, husband and wife, known to me
 or satisfactorily proven to be the persons
 whose names are subscribed to the within
 instrument and acknowledged that they
 executed the same for the purposes therein
 contained.
 IN WITNESS WHEREOF I hereunto set my
 hand and official seal.

Jeffrey P. Bingham
 Notary Public
 My commission expires March 29, 1997

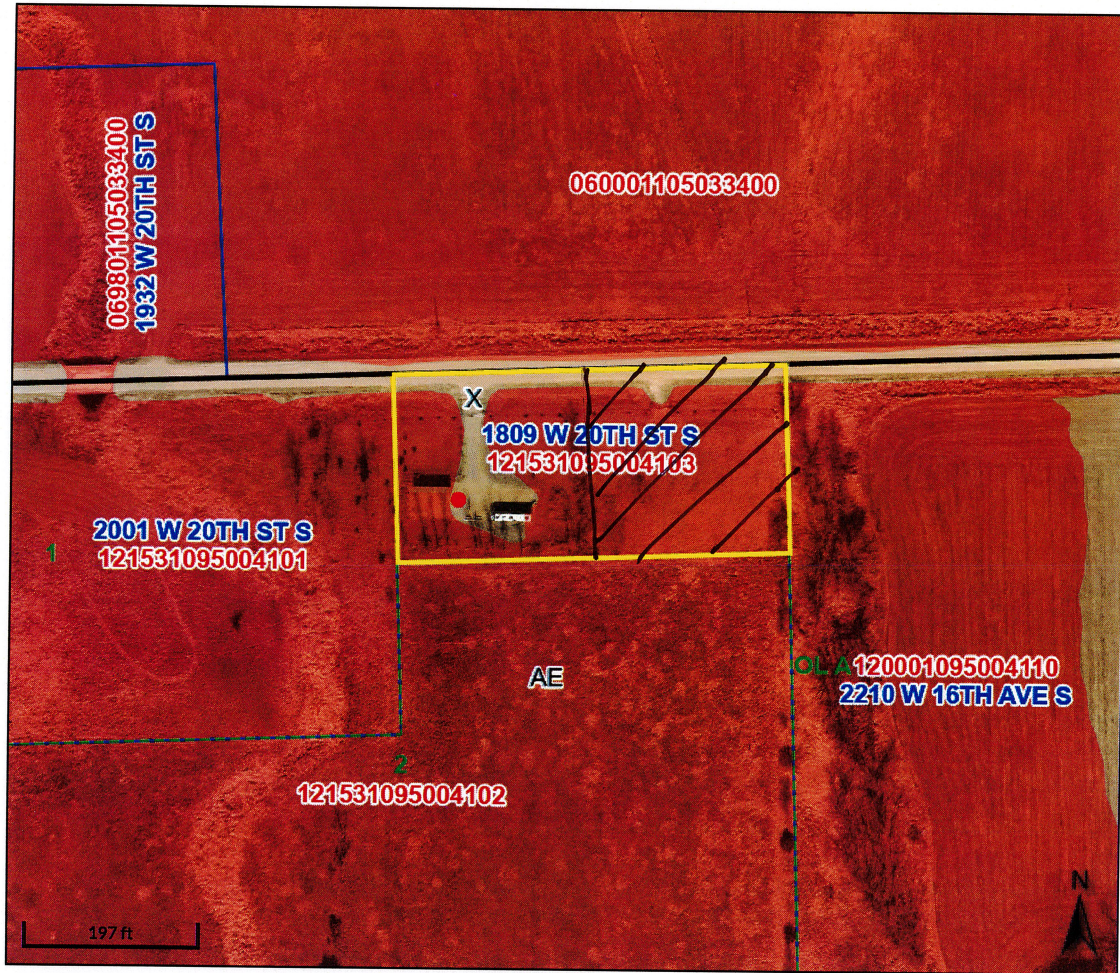
101078

Wayne R. Haug

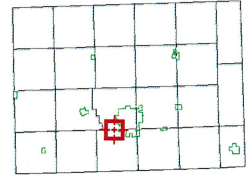


Beacon™

2025jjr2002
Brookings County, SD



Overview



Legend

- Address Layer
- Brookings City Limits
- City Limits
- Township Boundary
- Sections
- Lots
- Parcels
- Floodplain 2025
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A; AE
 - X

| | | | | | |
|-----------------------|---|--------------|-----|---------------|----------------------------|
| Parcel ID | 121531095004103 | Alternate ID | n/a | Owner Address | RUDEBUSCH, RICHARD L ET UX |
| Sec/Twp/Rng | 4-109-50 | Class | NAC | | 1021 VINE ST |
| Property Address | 1809 W 20TH ST S | Acreage | n/a | | BROOKINGS SD 57006 |
| | BROOKINGS | | | | |
| District | 12018 | | | | |
| Brief Tax Description | RUDEBUSCH ADDN EASTERLY 2 ACRES OF LOT 1 IN NE 1/4 OF SEC 4-109-50 2.00 ACRES | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 5/14/2025

Last Data Uploaded: 5/14/2025 1:01:38 AM

Developed by SCHNEIDER
GEOSPATIAL

East 1 Acre

Looking west from driveway along W 20th St S (aka 214th St).



Looking south from driveway on W 20th St S (aka 214th St)



2025jjrz002-Richard L & Donna Rudebusch

Looking east from driveway along W 20th St S (aka 214th St)



Looking south from east property line.



Looking southwest from northwest corner of property.



Looking west along W 20 St S aka (214th St)



Looking south from approximate west proposed property line.



Looking southeast from approximate west property line.



Joint Planning Commission Memo

From: Ryan Miller, City Planner

Meeting: June 3, 2025

Subject: Rezone the East 1 Acre of Rudebusch Addition Easterly 2 Acres of Lot 1 in NE1/4 of Sec 4, T109N, R50W, also known as 1809 West 20th Street South, from Joint Jurisdiction Agriculture District to Joint Jurisdiction Residence R-1A Single-Family District

Presenter: Ryan Miller, City Planner

Summary and Recommended Action:

Richard & Donna Rudebusch have submitted a petition to rezone the East 1 Acre of Rudebusch Addition Easterly 2 Acres of Lot 1 in NE1/4 of Sec 4, T109N, R50W, also known as 1809 West 20th Street South. The request is to rezone the area from Joint Jurisdiction Agriculture to Joint Jurisdiction Residence R-1A Single Family. The Development Review Team does not support the petition to rezone.

Item Details:

1809 West 20th Street South is a two-acre lot located along West 20th Street South. The lot has two access drives and is located within the 100-year floodplain (zone A). The lot is located in the Joint Jurisdiction Agriculture District and previously included a residential use. The residential use has been removed for over one year. Any future use must comply with the current zoning requirements.

The property owner has a purchase agreement with a prospective buyer for the east acre of the property which is contingent on that half of the property being rezoned to a Residence R-1A Single Family District for the purposes of building a single-family dwelling. In the Joint Jurisdiction Agriculture District, a minimum of 35-acres is required for a single-family slab on grade dwelling. The JJ R-1A district would allow a single-family dwelling on a lot with a minimum of 15,000 square feet in area and 100-feet in width.

The Future Land Use Map from the City of Brookings' 2040 Comprehensive Plan describes the area as Open/Floodplain. The Future Land Use map should be interpreted generally and is not intended to provide the specificity or the rigidity of a zoning map or engineering document. The map should provide guidance for the zoning map. From the Comprehensive Plan, the 100-year floodplain is an area prone to inundation by a 100-year flood event (an event with a 1% annual probability or that over the course of a 30-year mortgage has a 26% chance of being flooded at least once). These areas are severely limited from development and are subject to many additional

requirements. It is difficult to mitigate these issues responsibly and the extent of these areas should continue to be studied. Development should not occur in the 100-year floodplain unless the impact can be responsibly mitigated.

The prospective rezone area is also located within the South Development Policy Area of the Comprehensive Plan which states that a limited amount of larger lot or acreage development may occur in areas where the water table is high. However, municipal sewer may be required to ensure groundwater quality.

Any development of the east acre of the lot would require fill to remove the building location from the floodplain along with the addition of compensatory storage back to the floodplain on a 1:1 basis from what is filled. Because the property is in a Zone A floodplain, a floodplain study would be required to determine the base flood elevation. An approved floodplain permit would be required for both the rezone and building permits. Preliminary and final plats would be required prior to issuing permits. A grading permit would also be required.

The dwelling is unlikely to connect to municipal sewer without a lift station due to its location downhill from the nearest existing sanitary sewer line. An alternative sanitary sewer option that maintains groundwater quality would be necessary. The state would regulate any septic system type and surrounding fill. The dwelling would use rural water. The Fire Department would be required to grant an exception to the fire code requiring hydrants within one mile of the city limits during the permitting phase.

Joint Jurisdiction rezones are submitted to Brookings County who sets the public hearing for the Joint City and County Planning Commission meeting. The Joint Planning Commission makes a recommendation to approve or deny the request. That recommendation is made to both the City Council and County Commission who must both affirm any recommendation to approve a rezone in the Joint Jurisdiction Area.

Supporting Documentation:

Petition to Rezone

Hearing Notice

Location Map

Zoning Map

Future Land Use Map

Floodplain Map

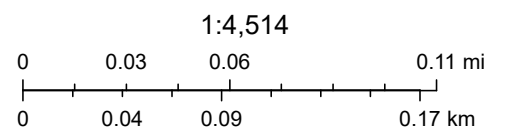
Floodplain Map



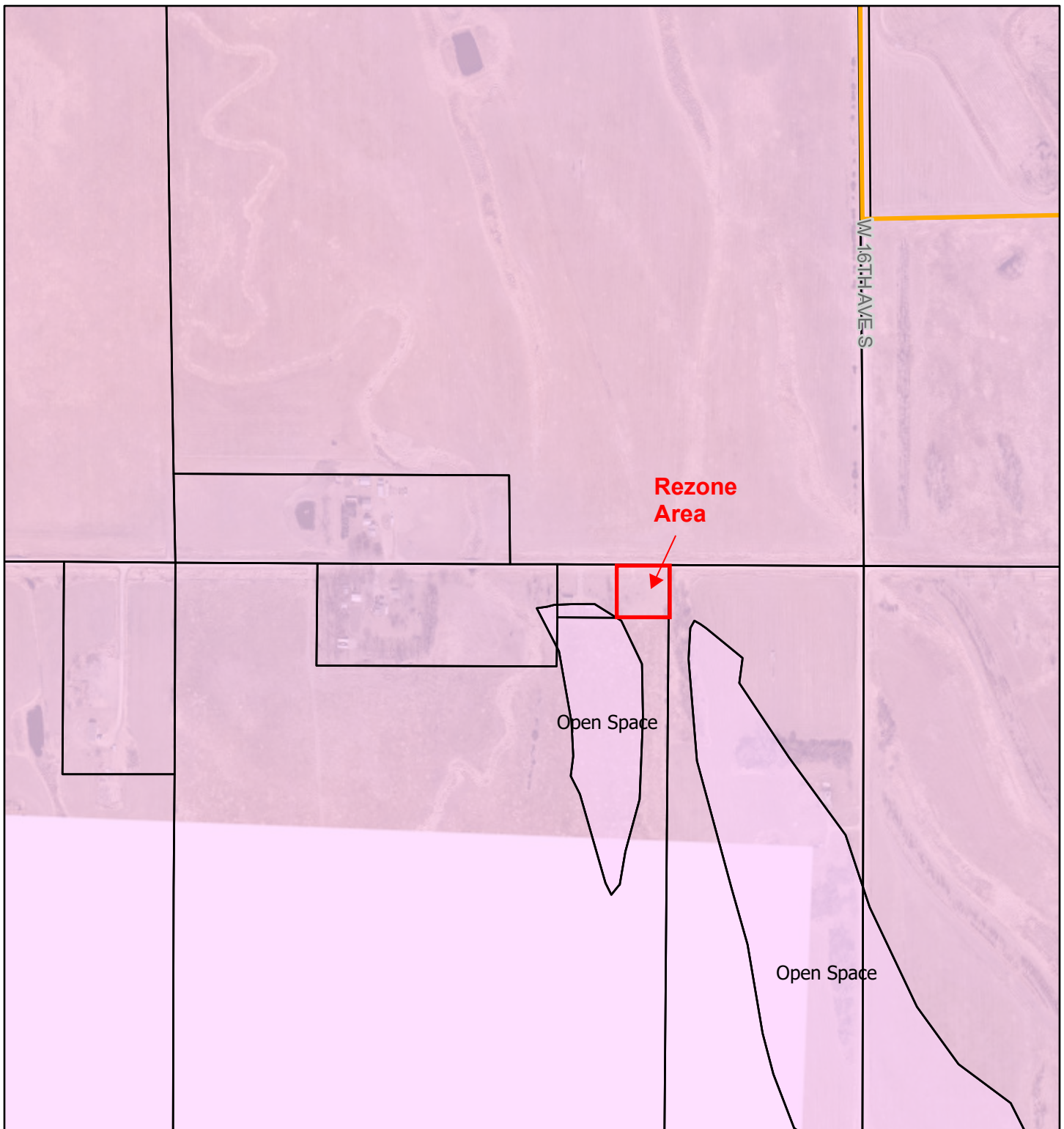
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Floodplain Prelim Update

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Future Land Use Map



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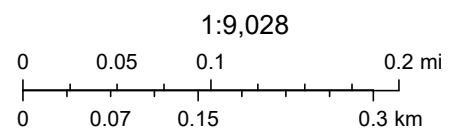
 BrookingsCityLimits

 Parcels

FLU_RDG

 Open Space




 Brookings County Roads

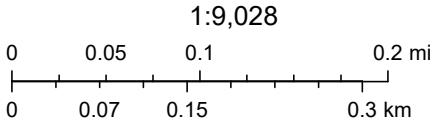


Location Map

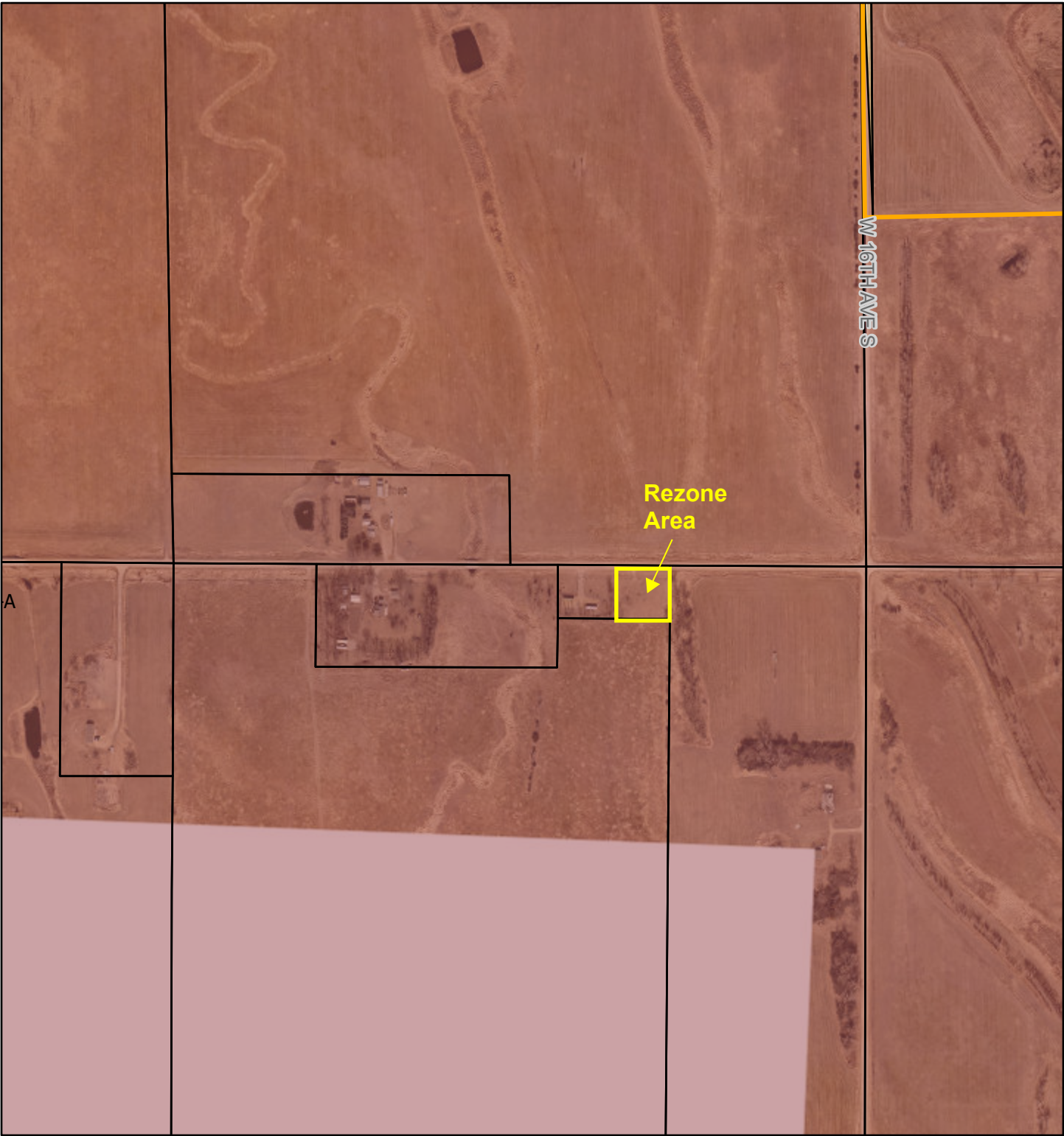


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-  Parcels
-  Brookings County Roads





Zoning Map




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 BrookingsCityLimits

 JJ-A

 Parcels

 Brookings County Roads

Zoning

 A

