

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY OCTOBER 15, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were Stan Beckler Chairman, David North Vice-Chairman, Dale Kurth, James Meyers, Carrie Weisenburger, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*) and Pat Keatts. Paul Johnson (*Alternate P&Z Commissioner*) was also in attendance in audience. Ross Aldentaler, Deputy States Attorney was not present.
- III. **Agenda:** After discussion, Keatts moved and Kurth seconded to approve the October 15, 2024, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Gage moved and North seconded to approve September 17, 2024, Planning/Zoning Commission Minutes as written, all members voted aye; motion carried.
- V. **Old Business:**
 - 1) **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 - 2) **Permits:** Anyone present that has submitted Zoning Board of Adjustment (BOA) Agenda items such as a Variance Petition (VP) or Conditional Use Petition (CUP) that get approved, are still
 - 3) **Preliminary & Final Plat** (Postponed from September 17, 2024, meeting), on a property described as "New Angus Second Subdivision" in the N1/2 of Section 36-T123N-R64W of the 5th P.M., Brown County, South Dakota (13 135th Street SW; Aberdeen Twp). Submitted by City of Aberdeen. Ken Hubbart (City Planning), Ron Wager (City Attorney), and Robin Bobzien (City Manager) were in attendance for this item. Following discussion, North moved, Meyers seconded to postpone this plat to the October 15, 2024 meeting so that 1) taxes can be paid first; 2) since there is not any access approach directly to this parcel from a public right-of-way as ordinance requires, a stipulation that an access easement to Lot 2 be shown on the plat (this would be for the city to go through the beef plant for an easement to get to their parcel if needed and for the beef plant to go through the wastewater plant to get to their manholes on Lot 2 for maintenance or service; 3) noting that all of the floodway mitigation documentation requirements on this property must be completed by an engineering firm before construction of new improvements to wastewater facility start; 4) a Flood Plain Development Permit (FPDP) must be issued by Brown County Floodplain Administrator before work begins since this parcel is currently in the county jurisdiction. Following discussion, Gage moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

VI. **New Business: Planning/Zoning Commission as [Zoning Board of Adjustment \(BOA\)](#)**

- 1) **Variance for 2 Residences** in an Agriculture Preservation District (AG-P) described as The NW1/4 of Section 22-T124N-R63W of the 5th P.M., Brown County, South Dakota (12706 391st Avenue; Ordway Twp.). Submitted by Billy Pahl. Mike Billy Pahl was in attendance for this item. Following discussion on Findings of Facts (FoF), Kurth moved, and Meyers seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Kurth moved, and Meyers seconded to ***approve a Variance for Two (2) Residences*** in an Agriculture Preservation District (AG-P). All members voting aye, motion carried.
- 2) **Conditional Use Petition** in a Heavy Industrial District (H-I) described as Lot 3, “Wheat Grower’s West Subdivision” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38457 133rd Street; Aberdeen Twp.). Submitted by John Kroll for Agtegra Cooperative. John Kroll was in attendance for this item. Following discussion on Findings of Facts (FoF), North moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, North moved, and Keatts seconded to ***approve a Conditional Use Petition (CUP)*** for a new 300’ diameter grain bunker in a Heavy Industrial District (H-I). All members voting aye, motion carried.
- 3) **Variance to Building Setbacks** in a Heavy Industrial District (H-I) described as Lot 3, “Wheat Grower’s West Subdivision” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38457 133rd Street; Aberdeen Twp.). Submitted by John Kroll for Agtegra Cooperative. John Kroll was in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and Weisenburger seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Gage moved, and Weisenburger seconded to ***approve a Variance to Building Setbacks*** to have a 70’-0” North Front Yard Setback rather than the 100’-0” required by Brown County Ordinance for a new 300’ diameter grain bunker, all members voting aye, motion carried.
- 4) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, “Mopar First Addition” in the N1/2 of Section 17-T124N-R62W of the 5th P.M., Brown County, South Dakota (12604 395th Avenue; Cambria Twp.). Submitted by Travis Olson. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, and Kurth seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Meyers moved, and Kurth seconded to ***approve a Variance for Lot Size*** to allow proposed Lot 1 (32.00 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Zoning Ordinances, all members voting aye, motion carried.
- 5) **Variance for Setbacks** in a Lake Front Residential District (R-3) described as Lot 12 - 13, “Lutgen’s West Addition” in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127346 West Shore Drive; Ravinia Twp.). Submitted by Larry & Laura Hadrick. Larry & Laura Hadrick were in attendance for this item. Following discussion on Findings of Facts (FoF), North moved and Weisenburger seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, North moved and Weisenburger seconded to ***approve a Variance for Setbacks*** to allow an 8’-0” West Rear Yard Setback rather than the 30’-0” Setback required by Brown County Ordinance 4.1006 to build a 54’ x 16’ garage, all members voting aye, motion carried.
- 6) **Conditional Use Petition** in a Heavy Industrial District (H-I) described as Lot 1, “Wolff’s First Addition” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota

(38466 Hwy 12 W; Aberdeen Twp.). Submitted by Jonathan Swenson. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and North seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Gage moved, and North seconded to ***approve a Conditional Use Petition (CUP)*** for the construction of a 100' x 25', 3-sided, Carport-type building in a Heavy Industrial District (H-I). All members voting aye, motion carried.

- 7) **Conditional Use Petition** in an Agriculture Preservation District (AG-P) described as the NE1/4 of Section 34-T127N-R64W, EXCEPT 5.5 acres deeded for Highway, of the 5th P.M., Brown County, South Dakota (11103 386th Avenue; Frederick Twp.). Submitted by Michael Iacopetti for Invenergy. Michael Iacopetti & Dan Litchfield from Invenergy, Alex Hart (Frederick Twp Sup.) & Wes Robinson were in attendance for this item. Following a presentation by Invenergy and discussion on Findings of Facts (FoF), Kurth moved, and Weisenburger seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Kurth moved and Weisenburger seconded to ***approve a Conditional Use Petition (CUP)*** for the construction of one (1) temporary, 262.5', meteorological (MET) tower to collect wind and weather data to support the development of the Great Places Wind Project. All members voting aye, motion carried.
- 8) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, "Prairie's Edge Sixteenth Addition" in the NW1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota (3102 24th Avenue NE; Aberdeen Twp.). Submitted by Adam Altman for Rivett Family Trust. Ryan Rivett & Lonnie Anderson were in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and North seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Gage moved, and North seconded to ***approve a Variance for Lot Size*** to allow proposed Lot 1 (12.59 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Ordinances. All members voting aye, motion carried.
- 9) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1 & Lot 2, "SC Krueger Addition" in the W1/2 of Section 13-T121N-R61W of the 5th P.M., Brown County, South Dakota (14498 405th Avenue & 40520 145th Street; Garden Prairie Twp.). Submitted by Steven & Cora Krueger. Steven & Cora Krueger were in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, and Kurth seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Meyers moved, and Kurth seconded to ***approve a Variance for Lot Size*** to allow proposed Lot 1 (33.64 acres) and Lot 2 (28.06 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Ordinances. All members voting aye, motion carried.
- 10) **Variance for Setbacks** in a Rural Urban District (RU) described as Lot 1, "Bob Wagner Addition to the Town of Mansfield" in the SE1/4 of Section 32-T121N-R64W of the 5th P.M., Brown County, South Dakota (95 2nd Street N; Warner Twp.). Submitted by Joshua & Theresa Palmer. Joshua & Theresa Palmer were in attendance for this item. Following discussion on Findings of Facts (FoF), Weisenburger moved and Keatts seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Weisenburger moved and Keatts seconded to ***approve a Variance for Setbacks*** to allow an 18'-0" West Rear Yard Setback rather than the 20'-0" Setback & a 12'-0" North Side Street Setback rather than the 15'-0" Setback required by Brown County Ordinance 4.1106 to build an 81' x 40' Steel Building with a residence and a shop. All members voting aye, motion carried.

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BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, OCTOBER 15, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still postponed until further notice, by Ross Aldentaler, Deputy States Attorney.

II. **New Business:** *Brown County Planning/Zoning Commission as [Planning Commission](#)*

14) Rezone Petition Proposed Lots 1 thru 12, “Larkota Acres First Addition” in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5th P.M., Brown County, South Dakota (38504, 38507, 38512, 38515, 38518, 38523, 38526, 38529, 38532, 38535 38538 & 38541 Larkota Drive; Warner Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Briann & Lisa Larson – Larkota Acres, LLC. Briann & Lisa Larson were in attendance for this item. Following discussion, Gage moved, Weisenburger seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.

15) Final Plat for conveyance purposes on a property described as Proposed Lots 1 thru 12, “Larkota Acres First Addition” in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5th P.M., Brown County, South Dakota (38504, 38507, 38512, 38515, 38518, 38523, 38526, 38529, 38532, 38535 38538 & 38541 Larkota Drive; Warner Twp.). Submitted by Briann & Lisa Larson. Briann & Lisa Larson were in attendance for this item. Following discussion, North moved, Kurth seconded to **recommend approval of the Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

16) Preliminary & Final Plat for conveyance purposes on a property described as “Mopar First Addition” in the N1/2 of Section 17-T124N-R62W of the 5th P.M., Brown County, South Dakota (12604 395th Avenue; Cambria Twp.). Submitted by Travis Olson. No one was in attendance for this item. Following discussion, Gage moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

17) Preliminary & Final Plat for financial purposes on a property described as “Jeremy Johnson Addition to Columbia” in the NE1/4 of Section 29-T125N-R62W of the 5th P.M., Brown County, South Dakota (211 N James Street; Columbia City). Submitted by Jeremy Johnson. No one was in attendance for this item. Following discussion, Kurth moved, Keatts seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

- 18) **Preliminary & Final Plat** for financial purposes on a property described as “Knecht First Addition to Houghton” in the NE1/4 of Section 6-T126N-R61W of the 5th P.M., Brown County, South Dakota (3308 Railway Street & 309 1st Street; Shelby Twp.). Submitted by Knecht Farms, Troy Knecht. No one was in attendance for this item. Following discussion, North moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 19) **Preliminary & Final Plat** for conveyance purposes on a property described as “SC Krueger Addition” in the W1/2 of Section 13-T121N-R61W of the 5th P.M., Brown County, South Dakota (14498 405th Avenue; Garden Prairie Twp.). Submitted by Steven & Cora Krueger. Steven & Cora Krueger were in attendance for this item. Following discussion, Gage moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 20) **Preliminary & Final Plat** for conveyance purposes on a property described as “Columbia 20S Outlot to the City of Columbia” in the S1/2 of the SE1/4 of Section 20-T125N-R62W of the 5th P.M., Brown County, South Dakota (39570 122nd Street; Columbia City). Submitted by Todd Ochsner. Erin Ochsner was in attendance for this item. Following discussion, Keatts moved, North seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 21) **Preliminary Plat** for review purposes on a property described as “Keatts Eighth Subdivision to Richmond Lake” in the W1/2 of the NW1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (12704 & 12705 Camdon Court; Ravinia Twp.). Submitted by Pat & Donna Keatts. Pat & Donna Keatts were in attendance for this item. Following discussion, Kurth moved, Meyers seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye (except Pat Keatts who abstained), motion carried.
- 22) **Preliminary & Final Plat** for conveyance purposes on a property described as “Prairies Edge Sixteenth Addition” in the NW1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota (3102 24th Avenue NE; Aberdeen Twp). Submitted by Rivett Family Trust – Adam Altman. Ryan Rivett & Lonnie Anderson were in attendance for this item. Following discussion, Weisenburger moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. **Other Business:** None

IV. **Adjourn:** There being no further business before the Planning/Zoning Commission, Keatts moved and North seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.