

AGENDA

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, December 17, 2019 – 7:00 PM
EAST SIDE of BSMNT COMMUNITY ROOM,
BROWN COUNTY COURTHOUSE ANNEX

- I. Call to Order: Planning/Zoning Commissioner Chairman Jerry Streckfuss
- II. Roll Call: Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts, B.C. Commissioner Rachel Kippley serving on the Planning/Zoning Commission & Chairman Jerry Streckfuss.
- III. Minutes: November 19, 2019
- IV. Old Business:
- V. New Business: P&Z Commission as Zoning Board of Adjustment (BOA)
 1. Variance to Building Setback in Agricultural Preservation District (AG-P) described as Lot U-1 in the SW Corner of the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38452 134th St).
 2. Special Exception/Conditional Use in Agricultural Preservation District (AG-P) described as Lot U-1 in the SW Corner of the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38452 134th St).
 3. Variance to Building Setback in Agricultural Preservation District (AG-P) described as 220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R63W of the 5th P.M., Brown County, South Dakota (39199 128th St).
 4. Special Exception/Conditional Use in Agricultural Preservation District (AG-P) described as 220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R63W of the 5th P.M., Brown County, South Dakota (39199 128th St).
 5. Variance to Building Setback in a Residential District (R-1) described as Lot 4 Block 3, "Northwood 1st Subdivision" in the NE1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (3108 N Cyprus St).
 6. Variance to Building Setback in Lake Front Residential District (R-3) described as Lots 16-18 except the west 60' of 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W, of the 5th P.M., Brown County, South Dakota (379268 & 379290 South Shore Drive).
- VI Other Business as Zoning Board of Adjustment (BOA):
 - A. Ag Retail Facility including retail seed Business

Completed as Zoning Board of Adjustment (BOA) & going to Planning Commission

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

Beginning as Planning Commission

- I. Old Business:
- II. New Business: **Planning Commission**
 - 10. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lots 1&2 "Marzenell Subdivision" in the SE ¼ SW¼ of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota (37946 & 37948 135th St).
 - 11. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agriculture District (M-AG) for a property described as: Lots 1&2 "1st Subdivision Larson Outlot 1" in the SW1/4 of Section 24-T122N-R64W of the 5th P.M., Brown County, South Dakota (13958 387th Ave).
 - 12. **Preliminary and Final Plat** for a property described as "Wayne Cutler Subdivision" in the NE1/4 of Section 9-T125N-R60W of the 5th P.M., Brown County, South Dakota (11901 409th Ave).
 - 13. **Preliminary and Final Plat** for a property described as "Geist Subdivision" in the N1/2NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (13417 396th Ave).
- III. Other Business:
- IV. Motion to Adjourn:

MINUTES

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, NOVEMBER 19, 2019 - 7:00 P.M.

COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

The Brown County Planning / Zoning Commission meeting was called to order by Brown County Planning Commission Vice Chairman Stan Beckler. Members of the Brown County Planning Commission present at roll call were, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts and B.C. Commissioner Rachel Kippley. Also present at the meeting was and Scott Bader from Planning & Zoning. Chairman Jerry Streckfuss was absent.

After discussion, Kippley moved and Kurth seconded to approve the minutes of the October 15, 2019 meeting. All members voted aye, the motion carried.

Vice Chairman Beckler then continued with business as follows:

Old Business:

New Business: Planning/Zoning Commission as Zoning *Board of Adjustment (BOA)*

1. Variance to Lot Size in Agricultural Preservation District (AG-P) described as Lot 1, "Allen and Emery Subdivision" in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota (40753 143rd St). Submitted by Casey Kulm. Following discussion, North moved to approve a variance to lot size to be 10.7± acres in an AG-P District rather than a minimum of 40.0 acres required per Ordinance 4.0605, Kurth seconded, all members voting aye, motion carried.
2. Variance to Approach Separation in Agricultural Preservation District (AG-P) described as the SE1/4 of Section 8-T125N-R64W of the 5th P.M., Brown County, South Dakota (38374 120th St). Submitted by Donnie Hinz. Present for this item was Donnie Hinz and Tom Hinz. Following discussion, Kurth moved to approve variance to approach separation setbacks to be 240' rather than

500' required in an AG-P District, Bettmann seconded, all members voting aye, motion carried.

Other Business: none

*Completed as Zoning Board of Adjustment (BOA) and
Beginning as Planning Commission*

**REGULARLY SCHEDULED MEETING
BROWN COUNTY PLANNING/ZONING COMMISSION**

Old Business:

New Business: *Brown County Planning Commission*

10. Petition to Re-Zone from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 1 “Berbos Subdivision” in the S½SW¼ of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (1814 130th St NW). Submitted by Nick Berbos. Following discussion, North moved to recommend approval of this rezone to the Board of County Commissioners, Bettmann seconded, all members voting aye, motion carried.
11. Petition to Re-Zone from an Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) for a proposed property described as: Lot 2C of Lot 2, “Schaeffer Richmond Lake Subdivision” in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379305 South Shore Dr.). Submitted by Roger Gray. Present for this is item were Roger & Laura Gray. Following discussion, Keatts moved to recommend approval of this rezone to the Board of County Commissioners seconded by Kurth, all members voting aye, motion carried.
12. Vacate existing Platted parcels for a property described as Tracts 1-4, “Jones Conservation Easement Tracts” in the E1/2 of Section 06-T125N-R64W of the 5th P.M., Brown County, South Dakota (11849 383rd Ave.). Submitted by Bruce Jones. Following discussion, Bettmann moved to recommend approval of vacating Tracts 1-4 to the

Board of County Commissioners, seconded by North, all members voting aye, motion carried.

13. Preliminary and Final Plat for property described as “Allen and Emery Subdivision” in the NE1/4 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota (40753 143rd St.). Submitted by Casey Kulm. Following discussion, North moved to recommend approval of this plat to the Board of County Commissioners, seconded by Kurth, all members voting aye, motion carried.
14. Preliminary and Final Plat for property described as “Mark Erickson’s Second Subdivision” in the W1/2NW1/4 of Section 20-T122N-R62W and Section 17-T122N-R62W, both of the 5th P.M., Brown County, South Dakota (13912 395th Ave.). Submitted by Mark Erickson. Following discussion, Beckler moved to recommend approval of this plat to the Board of County Commissioners, seconded by Bettmann, all members voting aye, motion carried.
15. Preliminary and Final Plat for a property described as “L & S Subdivision” in the NW1/4 and SW1/4 of Section 20-T128N-R64W of the 5th P.M., Brown County, South Dakota (10348 383rd Ave.). Submitted by Loel Larsen. Bettmann moved to recommend approval of this plat to the Board of County Commissioners, seconded by North, all members voting aye, motion carried.
16. Preliminary and Final Plat for a property described as “Marzenell Subdivision” in the SE1/4SW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota (37946 & 37948 135th St.). Submitted by Debbie Nerland. North moved to recommend approval of this plat to the Board of County Commissioners with the stipulation that if Lot 2 were to be sold, a shared access would be required for Lot 1 and 2 by reshaping and expanding the existing approach, seconded by Kurth, all members voting aye, motion carried.

Other Business:

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

Submitted by: Ron Keller - Planning & Zoning Technician.

STAFF REPORT
December 17, 2019

VARIANCE FOR BLDG SETBACKS IN AG-P

ITEM # 01

GENERAL INFORMATION

PETITIONER	East River Electric Power
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot U-1 in the SW Corner of the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	38452 134 th Street
EXISTING ZONING	Agricultural Preservation District
SURROUNDING ZONING	
North:	Agricultural Preservation District (AG-P)
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader


GENERAL COMMENT: The petitioner is requesting a Variance for from the front Right of Way for a new 30' high tower to be closer than a minimum required 200' from the right of way line on existing substation site.

REVIEW: This Variance is necessary before a Conditional Use can be reviewed. The distance for the tower from front yard to be 50' rather than 200' required from the R.O.W. line.

**BROWN COUNTY
PLANNING & ZONING COMMISSION**

APPLICATION FOR VARIANCE

DATE: 11/07/19 FEES: \$100.00
RECEIPT # _____ PAID: YES/NO CHK/CASH
TOWNSHIP: Aberdeen Twp DATE: _____

OWNERS SIGNATURE: East River Electric Power 
OWNERS ADDRESS: PO Box 227
OWNERS CITY, STATE, ZIP: Madison, SD 57042
OWNERS PHONE: 605-256-8267 (605-351-8076 Cell - Paul Letsche)

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Requesting 50' variance from the front Right of Way rather than the 200' required for the new tower on an existing substation.

LEGAL DESCRIPTION: Lot U-1 in the SW Corner of SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota

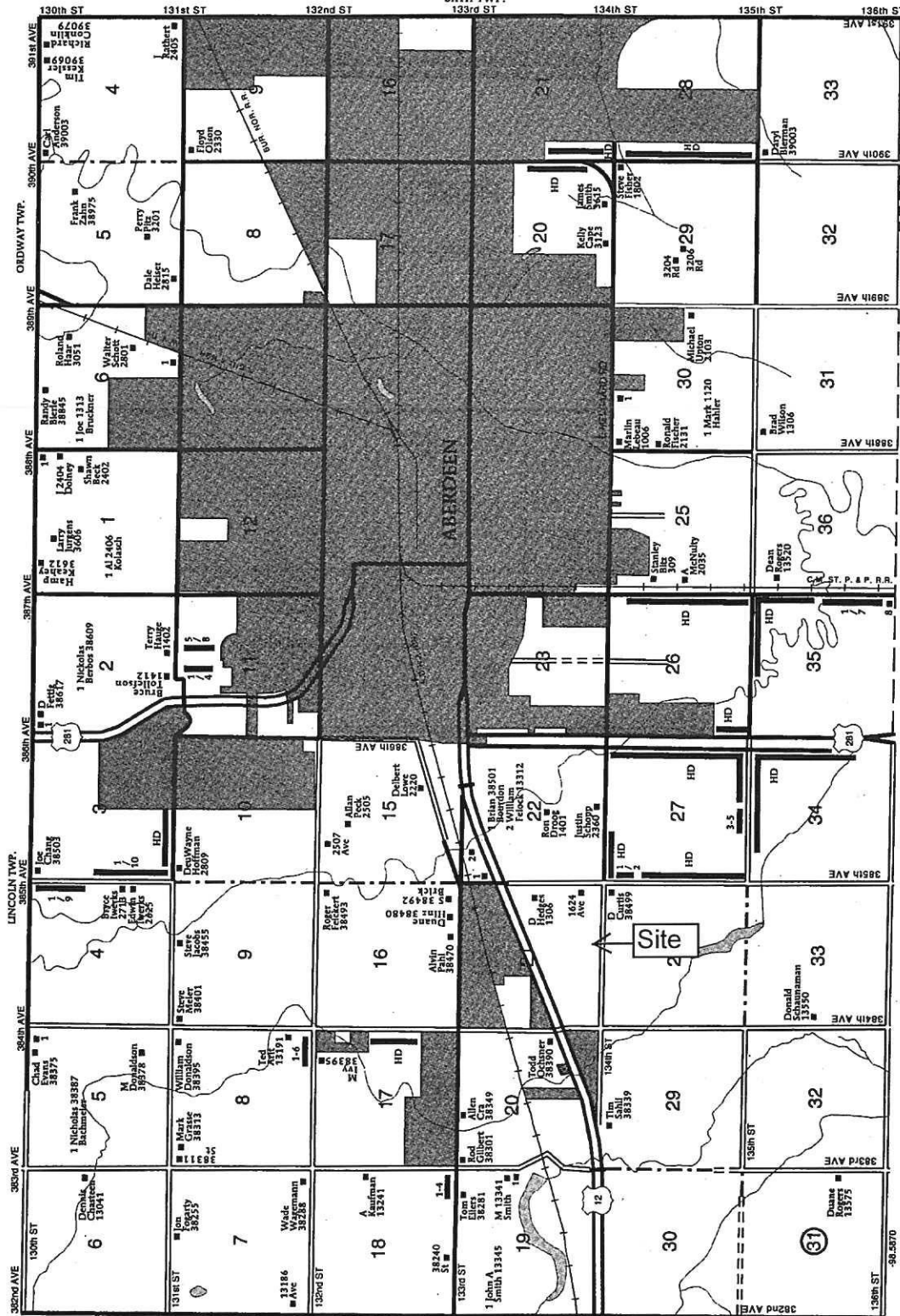
Planning Commission Action: <u>Approved / Denied</u> _____	

By: _____	Date: _____
HEARING DATE: <u>December 17, 2019</u>	TIME: <u>7:00 pm</u>

MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)

BATH TWP.



MERCIER TWP.

45.4218

OLDWAY TWP.

BATH TWP.

WARNER TWP.

ABERDEEN TOWNSHIP

- SECTION 3
- 1 2724
- 2 Smith, Douglas 2716
- 3 Heintzman, Rob 2708
- 4 2622
- 5 Senst, Jeff 2610
- 6 Zaecher, Leland 2602
- 7 Emery, T 2536
- 8 2504
- 9 Bossert, Curt 2422
- 10 Bollwerk, Donald 2402
- SECTION 4W
- 1 Blabee, Bruce 3229
- 2 Moser, Kevin 3221
- 3 VanderHoek, Corey 3213
- 4 Goehring, Laneu 3205
- 5 Dykema, Clay 3133
- 6 Fisher, Paul 3125
- 7 Reitzel, Fred 3105
- 8 Newman, Marty 3021
- 9 Huisenga, Arnold 2815
- SECTION 8W
- 1 Brzezinski, Thomas
- 2 Falkner, David 36382
- 3 Darring, Roger 36388
- 4 Strelter, Steve 36390
- 5 Blitz, Robert 36392
- 6 Zimmer, Kyle 36396
- SECTION 11
- 1 Larson, Dan 2329
- 2 Kolaras, Joe 2327
- 3 Lipp, Leon 2325
- 4 Conraads, D 2323
- 5 Retzer, Robert 2330
- SECTION 18
- 1 Eichinger, John 38280
- 2 Dahme, Art 38282
- 3 Wherry, Lavar 38290
- 4 Dreis, K 38296
- SECTION 27
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberte, Arthur 36548
- 4 Schwan, Christopher
- 5 Robinson, Randall 13575
- 6 Rahm, Marlon 13579
- 7 Schroh, Joseph 13593
- 8 Fredrickson, Dale 38692
- SECTION 29
- 1 3204
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NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 17, 2019 at 7:00 P.M. for the purpose of Variance to Setback in an Agricultural Preservation District (AG-P).

Petitioner / Owner: *East River Electric Power*

Description of property: *Lot U-1 in the SW Corner of the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38452 134th Street).*

Reason: *Requesting a 50' Variance from the front Right of Way rather than the 200' required for the new tower on an existing substation.*

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance petition.

Dated this 4th day December 2019

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

CHAPTER 4.35 COMMUNICATION TOWERS AND FACILITIES

4.3501 Communication Towers and Facilities Requirements

Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used, however, proposed modifications must be reviewed by the Director, and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities on towers constructed prior to adoption of this ordinance must be submitted for review.

A. Co-Location. Prior to applying for a Conditional Use Permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

1. The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of South Dakota, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of South Dakota.
4. Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.
5. No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs.
6. Furthermore, no new tower/facility shall be approved that is not in compliance with all standards for approval set forth in this ordinance.

B. General Approval Standards

1. Separation. The following separation requirements shall apply to all proposed communication towers and facilities.

a) Separation from planned and/or existing residential properties.

Proposed towers/facilities shall be separated from neighboring properties either planned or utilized for residential purposes as established herein. **The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line** of a neighboring tax parcel used or planned for residential purposes. For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property

shall be considered to be planned for residential purposes if it is within two miles of a city boundary, and that city has established a residential land use classification for the property.

(1) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater.

(2) For guyed towers/facilities the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater, plus one hundred (100%) percent of the length of the longest supporting guy wire.

2.Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposals requirements, as documented by a qualified engineer.

3. Required Setbacks. The center foundation of all towers/facilities are required to be setback in accordance with the following:

a) From any public right-of-way, the following apply:

(1) for towers of monopole and lattice-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower or two hundred (200) feet, whichever is greater; and for towers of guyed-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower plus the length of guyed wire or two hundred (200) feet, whichever is greater.

(2) From any adjoining property zoned or planned residential or existing residential use, the distance of three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower/facility for towers of lattice or monopole construction type; and three hundred (300) or one hundred fifty (150%) percent of the height of the tower/facility plus one hundred (100%) percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.

(3) From other property lines, a distance equal to at least fifty (50%) percent of the height of the tower/facility.

(4) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the lease area.

4. Fencing and Screening.

a) **Security Fencing.** Towers/facilities shall be enclosed by fencing not less than six (6) feet in height and shall be equipped with appropriate anticleimbing devices.

b) **Screening.** The lowest six (6) feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

5. Aesthetics. Towers/facilities shall meet the following general requirements.

a) **Color.** Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.

- b) **Lighting.** Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
- c) **Signs.** No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of this ordinance, Signs section. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of emergency.

C. The proposed tower/facility must comply with all other applicable local, state or federal regulations.

D. The proposed tower/facility will not unreasonably interfere with the view from any publicly-owned or managed areas or major view corridors.

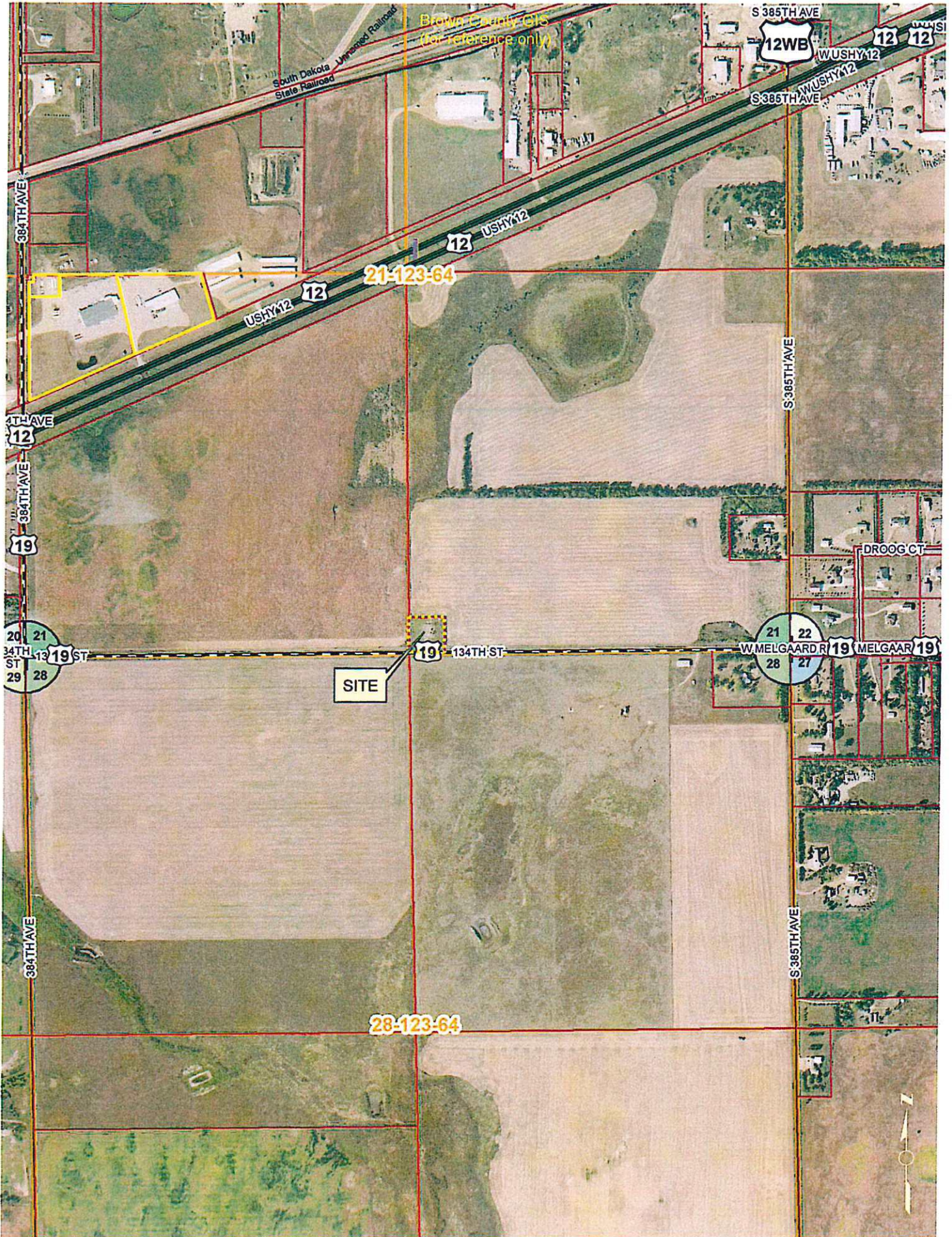
E. Removal of Abandoned Towers/Facilities. The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Brown County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from Brown County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.

1. Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.
2. Documentation must be provided to the Brown County Planning and Zoning Department with signatures by all property owners with an interest in the tower/facility stating knowledge of the penalties associated with a County infraction, including that all costs for removal of abandoned towers/facilities in accordance with these regulations may be assessed against property under their ownership. Such documentation must be provided on the form supplied by the Brown County Planning and Zoning Department, and submitted at time of Application for Zoning Permit.

F. Submittal Requirements. In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower/facility.
2. Legal description of the parent parcel and leased parcel (if applicable).
3. The separation distance between the proposed tower/facility and nearest planned and/or existing residential property.

4. The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing tower(s) and owner/operators of such facilities.
5. A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials
6. Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.
7. A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in this Ordinance.
8. Identification of all other tower/facility sites owned and/or operated by the applicant within Brown County.
9. Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site and width, depth and height shall be presented.
10. Wireless telecommunications towers and antennae shall be designed to withstand sustained winds of at least 80 miles per hour.
11. Commentary on Ice Design Criteria for Communications Structures shall be consulted for ice load specifications.
12. The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
13. Copy of the signed lease agreement with the property owner.
14. Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100%) of the search ring for the proposed site of the wireless communications facility.
15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed.



Brower County GIS
(for reference only)

South Dakota
State Railroad

S 385TH AVE
12WB
WUSHY12
S 385TH AVE
WUSHY12

384TH AVE

12

19

20 21
34TH ST 19
29 28

21-123-64

12 USHY12

S 385TH AVE

DROOG CT

19 134TH ST

21 22
28 27
W MELGAARD R 19 MELGAAR 19

SITE

384TH AVE

S 385TH AVE

28-123-64



Brown County GIS
(for reference only)

SITE

134TH ST 19



STAFF REPORT
December 17, 2019

Spec Exc/Conditional Use for Tower

ITEM # 2

GENERAL INFORMATION

PETITIONER	East River Electric Power
REQUEST	Special Exception/Conditional Use for a small 30' high tower with their own attachments for transmitting sub-station.
LEGAL DESCRIPTION	Lot U-1 in the SW Corner in the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	38452 134 th St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a proposed communication tower that will transmit their own information from their existing sub-station.

REVIEW: This tower will be about 50' from the front right-of-way line rather than the 200' required. This will also need a Variance approved before the CU can be approved.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 11/07/19

FEES: \$200.00

RECEIPT # _____

PAID: YES/NO CHK/CASH

TOWNSHIP: Aberdeen Twp

DATE: _____

OWNERS SIGNATURE: East River Electric Power

OWNERS ADDRESS: PO Box 227

OWNERS CITY, STATE, ZIP: Madison, SD 57042

OWNERS PHONE: 605-256-8267 (Cell 605-351-8076 Paul Letsche)

AGENTS SIGNATURE: _____

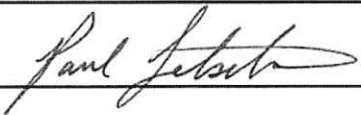
AGENTS ADDRESS: _____

AGENTS CITY, STATE, ZIP: _____

AGENTS PHONE: _____

REQUEST: A new 30' tower for attaching necessary equipment for substation transmission.

LEGAL DESCRIPTION: Lot U-1 in the SW Corner of the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota.

SIGNATURE: 

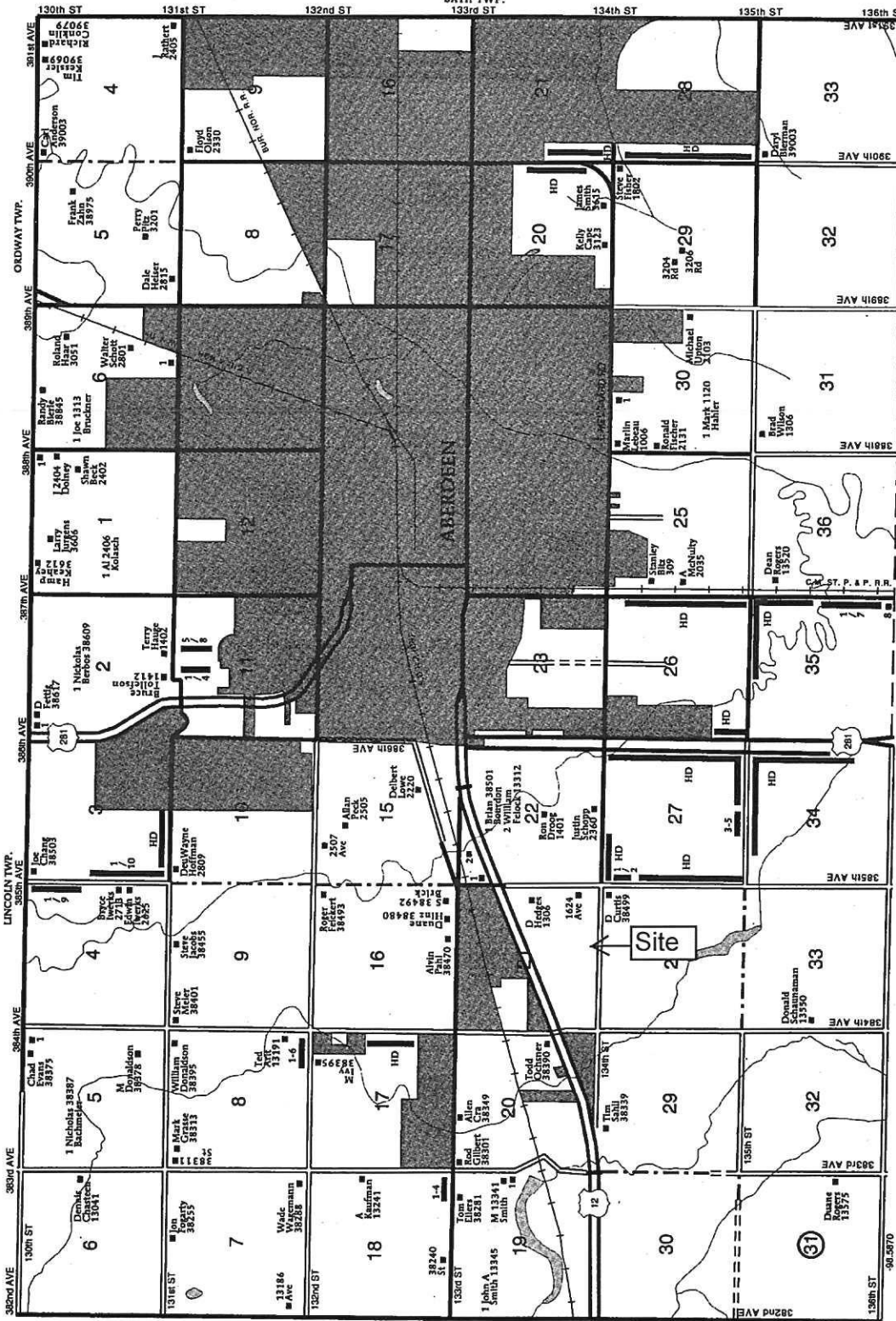
Planning Commission Action: <u>Approved / Denied</u> _____	

By: _____	Date: _____
HEARING DATE: <u>December 17, 2019</u>	TIME: <u>7:00 pm</u>

MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)

BATH TWP.



MERCIER TWP.

45.4218

GEM 'W' TWP.

WARNER 'N' TWP.

ABERDEEN TOWNSHIP

- 2 Thrash, Peter 13561
 - 3 Swanson, Erlean 13569
 - 4 Boeddeker, William 13573
 - 5 Robinson, Rendall 13575
 - 6 Rahn, Marlon 13579
 - 7 Schroh, Joseph 13593
 - 8 Fredrickson, Dale 38692
- SECTION 27
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreil, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 35
- 1 Brake, Brad 13555
- 4 Strelter, Steve 38390
 - 5 Bliz, Robert 38392
 - 6 Zimmer, Kyle 38396
- SECTION 11
- 1 Larson, Dan 2329
 - 2 Kokales, Joe 2327
 - 3 Lipp, Leon 2325
 - 4 Conrads, D 2323
 - 5 Retzer, Robert 2330
- 6 Fisher, Paul 3125
 - 7 Retziuff, Fred 3105
 - 8 Newman, Mary 3021
 - 9 Hutzenge, Arnold 2815
- SECTION 8W
- 1 Brzezinski, Thomas 38374
 - 2 Falckert, David 38382
 - 3 Darling, Roger 38388
- 8 2504
 - 9 Bossert, Curt 2422
 - 10 Bollwerk, Donald 2402
- SECTION 4W
- 1 Elaboe, Bruce 3229
 - 2 Moser, Kevin 3221
 - 3 VanderHoek, Corey 3213
 - 4 Goehring, Lareu 3205
 - 5 Dykeme, Clay 3133

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Special Exception/Conditional Use Petition. A hearing will be held in the basement of the Courthouse Annex, east Community Meeting Room on December 17, 2019 at 7:00 pm for the purpose of a Special Exception/Conditional use Petition in an Agricultural Preservation District.

Petitioner & owner: *East River Electric Power*

Description of property: *Lot U-1 in the SW Corner of the SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38452 134th St).*

Reason: *A new 30' tower for attaching necessary equipment for substation transmission on an existing substation.*

The Public is invited to attend the hearing and to present comments and testimony regarding the proposed Special Exception/Conditional Use.

Dated this *4th day of December 2019*

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

CHAPTER 4.35 COMMUNICATION TOWERS AND FACILITIES

4.3501 Communication Towers and Facilities Requirements

Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used, however, proposed modifications must be reviewed by the Director, and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities on towers constructed prior to adoption of this ordinance must be submitted for review.

A. Co-Location. Prior to applying for a Conditional Use Permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

1. The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of South Dakota, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of South Dakota.
4. Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.
5. No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs.
6. Furthermore, no new tower/facility shall be approved that is not in compliance with all standards for approval set forth in this ordinance.

B. General Approval Standards

1. **Separation.** The following separation requirements shall apply to all proposed communication towers and facilities.

a) **Separation from planned and/or existing residential properties.**

Proposed towers/facilities shall be separated from neighboring properties either planned or utilized for residential purposes as established herein. **The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line** of a neighboring tax parcel used or planned for residential purposes. For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property

shall be considered to be planned for residential purposes if it is within two miles of a city boundary, and that city has established a residential land use classification for the property.

(1) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater.

(2) For guyed towers/facilities the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater, plus one hundred (100%) percent of the length of the longest supporting guy wire.

2.Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposals requirements, as documented by a qualified engineer.

3. Required Setbacks. The center foundation of all towers/facilities are required to be setback in accordance with the following:

a) From any public right-of-way, the following apply:

(1) for towers of monopole and lattice-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower or two hundred (200) feet, whichever is greater; and for towers of guyed-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower plus the length of guyed wire or two hundred (200) feet, whichever is greater.

(2) From any adjoining property zoned or planned residential or existing residential use, the distance of three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower/facility for towers of lattice or monopole construction type; and three hundred (300) or one hundred fifty (150%) percent of the height of the tower/facility plus one hundred (100%) percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.

(3) From other property lines, a distance equal to at least fifty (50%) percent of the height of the tower/facility.

(4) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the lease area.

4. Fencing and Screening.

a) **Security Fencing.** Towers/facilities shall be enclosed by fencing not less than six (6) feet in height and shall be equipped with appropriate anticleimbing devices.

b) **Screening.** The lowest six (6) feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

5. Aesthetics. Towers/facilities shall meet the following general requirements.

a) **Color.** Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.

- b) **Lighting.** Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
- c) **Signs.** No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of this ordinance, Signs section. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of emergency.

C. The proposed tower/facility must comply with all other applicable local, state or federal regulations.

D. The proposed tower/facility will not unreasonably interfere with the view from any publicly-owned or managed areas or major view corridors.

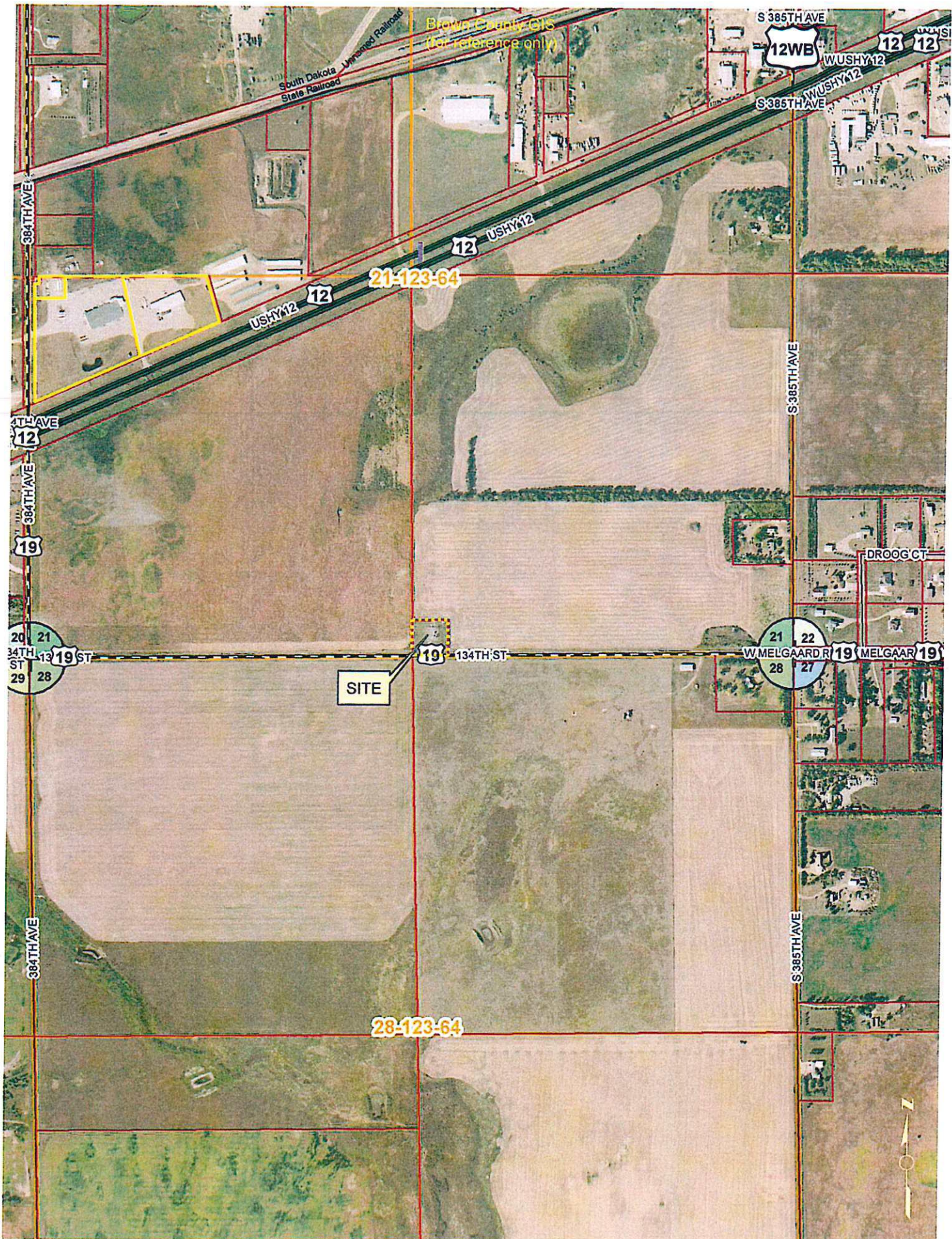
E. Removal of Abandoned Towers/Facilities. The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Brown County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from Brown County at the owner’s expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.

- 1. Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.
- 2. Documentation must be provided to the Brown County Planning and Zoning Department with signatures by all property owners with an interest in the tower/facility stating knowledge of the penalties associated with a County infraction, including that all costs for removal of abandoned towers/facilities in accordance with these regulations may be assessed against property under their ownership. Such documentation must be provided on the form supplied by the Brown County Planning and Zoning Department, and submitted at time of Application for Zoning Permit.

F. Submittal Requirements. In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.

- 1. A scaled site plan clearly indicating the location, type and height of the proposed tower/facility.
- 2. Legal description of the parent parcel and leased parcel (if applicable).
- 3. The separation distance between the proposed tower/facility and nearest planned and/or existing residential property.

4. The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing tower(s) and owner/operators of such facilities.
5. A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials
6. Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.
7. A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in this Ordinance.
8. Identification of all other tower/facility sites owned and/or operated by the applicant within Brown County.
9. Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site and width, depth and height shall be presented.
10. Wireless telecommunications towers and antennae shall be designed to withstand sustained winds of at least 80 miles per hour.
11. Commentary on Ice Design Criteria for Communications Structures shall be consulted for ice load specifications.
12. The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
13. Copy of the signed lease agreement with the property owner.
14. Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100%) of the search ring for the proposed site of the wireless communications facility.
15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed.



Brower County GIS
(for reference only)

South Dakota
State Railroad

S 385TH AVE
12WB
WUSHY 12
WUSHY 12
S 385TH AVE

384TH AVE

12

19

20 21
34TH ST
19
29 28

384TH AVE

21-123-64

12 USHY 12

S 385TH AVE

DROOG CT

SITE

19 134TH ST

21 22
28 27
W MELGAARD R 19 MELGAARD 19

S 385TH AVE

28-123-64



Brown County GIS
(for reference only)

SITE

134TH ST 19



STAFF REPORT
December 17, 2019

VARIANCE FOR BLDG SETBACKS IN AG-P

ITEM # 3

GENERAL INFORMATION

PETITIONER	East River Electric Power
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	39199 128 th Street
EXISTING ZONING	Agricultural Preservation District
SURROUNDING ZONING	
North:	Agricultural Preservation District (AG-P)
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

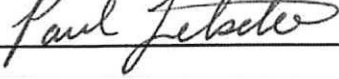
GENERAL COMMENT: The petitioner is requesting a Variance for from the front Right of Way for a new 30' high tower to be closer than a minimum required 200' from the right of way line on existing substation site.

REVIEW: This Variance is necessary before a Conditional Use can be reviewed. The distance for the tower from front yard to be 70' and 70' from the east front rather than 200' required from the R.O.W. line.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: 11/07/19 FEES: \$100.00
RECEIPT # _____ PAID: YES/NO CHK/CASH
TOWNSHIP: Ordway DATE: _____

OWNERS SIGNATURE: East River Electric Power 
OWNERS ADDRESS: PO Box 227
OWNERS CITY, STATE, ZIP: Madison, SD 57042
OWNERS PHONE: 605-256-8267 (Cell 605-351-8076 Paul Letsche)

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Requesting a 70' from the North Front Right of Way and 70' from the East Front Right of Way rather than the 200' required for a new tower on an existing substation.

LEGAL DESCRIPTION: 220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: December 17, 2019 **TIME:** 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



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- ✓ Full screen or normal viewing mode.
- ✓ Thumbnail view.
- ✓ Translate information into your desired language for all maps and alpha listings.
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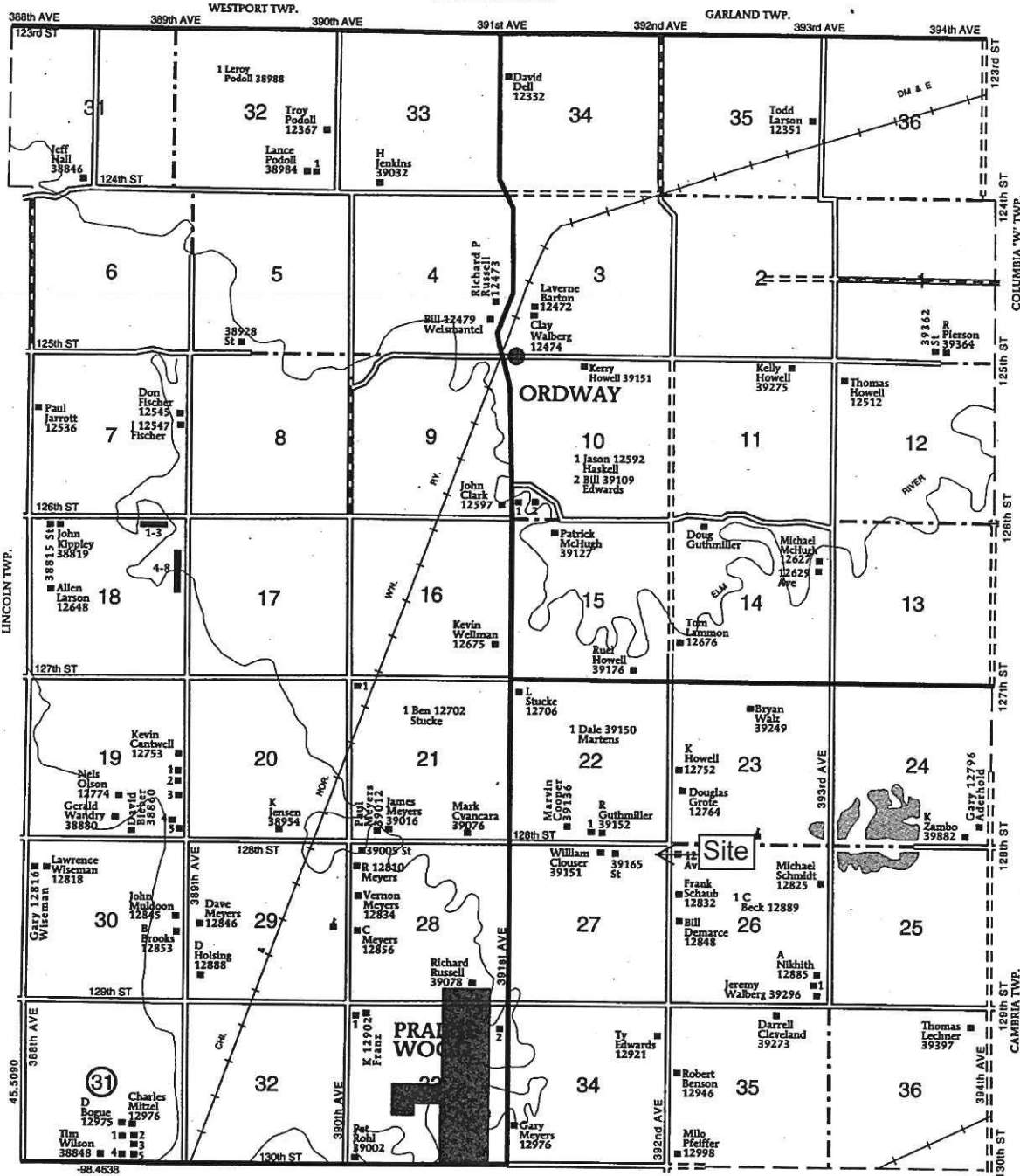
524 River Ave. North
Belmond, IA 50421
800-685-7432

T-124-125-N

ORDWAY DIRECTORY

R-63-W

(Residents - Owners or Renters)



ORDWAY TOWNSHIP

- SECTION 18**
- 1 Anderson, James 38873
 - 2 McCormick, D 38879
 - 3 Siefken, S 38883
 - 4 Blondo, Richard 12625
 - 5 Barke, Raymond 12631
 - 6 Ivey, Len 12641
 - 7 Winkler, Barry 12643
 - 8 Lambert, Larry 12649

- SECTION 19**
- 1 Felckert, Matthew 12761
 - 2 Bercler, John 12767
 - 3 Klinkel, Scott 12777
 - 4 Thorpe, Ray 12791
 - 5 Poor, Roger 12797
- SECTION 31S**
- 1 Lindsoeth, Mark 12981
 - 2 Erdmann, Kenneth 12982
 - 3 Quam, Everett 12990
 - 4 Drube, Kurt 12997

- SECTION 33S**
- 1 Wagner, E 12904
 - 2 Teigen, Wayne 12919

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on *December 17, 2019 at 7:00 P.M.* for the purpose of Variance to setback in an Agricultural Preservation District (AG-P).

Petitioner / Owner: *East River Electric Power*

Description of property: *220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R63W of the 5th P.M., Brown County, South Dakota (39199 128th St)*

Reason: *Requesting 70' from the North Front Right of Way and 70" from the East Front Right of Way rather than the 200' required for a new tower on an existing substation.*

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance petition.

Dated this 4th day December 2019

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

CHAPTER 4.35 COMMUNICATION TOWERS AND FACILITIES

4.3501 Communication Towers and Facilities Requirements

Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used, however, proposed modifications must be reviewed by the Director, and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities on towers constructed prior to adoption of this ordinance must be submitted for review.

A. Co-Location. Prior to applying for a Conditional Use Permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

1. The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of South Dakota, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of South Dakota.
4. Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.
5. No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs.
6. Furthermore, no new tower/facility shall be approved that is not in compliance with all standards for approval set forth in this ordinance.

B. General Approval Standards

1. Separation. The following separation requirements shall apply to all proposed communication towers and facilities.

a) Separation from planned and/or existing residential properties.

Proposed towers/facilities shall be separated from neighboring properties either planned or utilized for residential purposes as established herein. **The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line of a neighboring tax parcel used or planned for residential purposes.** For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property

shall be considered to be planned for residential purposes if it is within two miles of a city boundary, and that city has established a residential land use classification for the property.

(1) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater.

(2) For guyed towers/facilities the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater, plus one hundred (100%) percent of the length of the longest supporting guy wire.

2.Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposals requirements, as documented by a qualified engineer.

3. Required Setbacks. The center foundation of all towers/facilities are required to be setback in accordance with the following:

a) From any public right-of-way, the following apply:

(1) for towers of monopole and lattice-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower or two hundred (200) feet, whichever is greater; and for towers of guyed-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower plus the length of guyed wire or two hundred (200) feet, whichever is greater.

(2) From any adjoining property zoned or planned residential or existing residential use, the distance of three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower/facility for towers of lattice or monopole construction type; and three hundred (300) or one hundred fifty (150%) percent of the height of the tower/facility plus one hundred (100%) percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.

(3) From other property lines, a distance equal to at least fifty (50%) percent of the height of the tower/facility.

(4) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the lease area.

4. Fencing and Screening.

a) **Security Fencing.** Towers/facilities shall be enclosed by fencing not less than six (6) feet in height and shall be equipped with appropriate anticleimbing devices.

b) **Screening.** The lowest six (6) feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

5. Aesthetics. Towers/facilities shall meet the following general requirements.

a) **Color.** Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.

- b) **Lighting.** Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
- c) **Signs.** No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of this ordinance, Signs section. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of emergency.

C. The proposed tower/facility must comply with all other applicable local, state or federal regulations.

D. The proposed tower/facility will not unreasonably interfere with the view from any publicly-owned or managed areas or major view corridors.

E. Removal of Abandoned Towers/Facilities. The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Brown County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from Brown County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.

1. Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.

2. Documentation must be provided to the Brown County Planning and Zoning Department with signatures by all property owners with an interest in the tower/facility stating knowledge of the penalties associated with a County infraction, including that all costs for removal of abandoned towers/facilities in accordance with these regulations may be assessed against property under their ownership. Such documentation must be provided on the form supplied by the Brown County Planning and Zoning Department, and submitted at time of Application for Zoning Permit.

F. Submittal Requirements. In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower/facility.

2. Legal description of the parent parcel and leased parcel (if applicable).

3. The separation distance between the proposed tower/facility and nearest planned and/or existing residential property.

4. The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing tower(s) and owner/operators of such facilities.
5. A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials
6. Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.
7. A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in this Ordinance.
8. Identification of all other tower/facility sites owned and/or operated by the applicant within Brown County.
9. Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site and width, depth and height shall be presented.
10. Wireless telecommunications towers and antennae shall be designed to withstand sustained winds of at least 80 miles per hour.
11. Commentary on Ice Design Criteria for Communications Structures shall be consulted for ice load specifications.
12. The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
13. Copy of the signed lease agreement with the property owner.
14. Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100%) of the search ring for the proposed site of the wireless communications facility.
15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed.

Brown County GIS
(for reference only)

22-124-63

128TH ST

392ND AVE

22 23
27 26

128TH ST

27-124-63

392ND AVE

129TH ST

27 26
34 35

129TH ST

391ST AVE

27 28

391ST AVE

14

28 27
33 34

391ST AVE

14

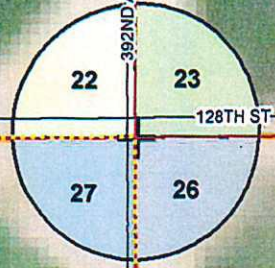
392ND AVE



Brown County GIS
(for reference only)

128TH ST

392ND AVE



128TH ST

392ND AVE



STAFF REPORT
December 17, 2019

Spec Exc/Conditional Use for Tower

ITEM # 4

GENERAL INFORMATION

PETITIONER	East River Electric Power
REQUEST	Special Exception/Conditional Use for a small 30' high tower with their own attachments for transmitting sub-station.
LEGAL DESCRIPTION	220' X 300' NE Corner in the NE1/4 of Section 27-T124N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	39199 128 th St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a proposed communication tower that will transmit their own information from their existing sub-station.

REVIEW: This tower will be about 70' from the North Front right-of-way and 70' from the East Front Right of Way rather than the 200' required. This will also need a Variance approved before the CU can be approved.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 11/07/19
RECEIPT # _____
TOWNSHIP: Ordway

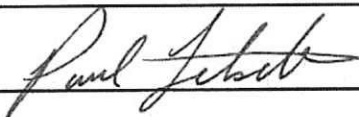
FEES: \$200.00
PAID: YES/NO CHK/CASH
DATE: _____

OWNERS SIGNATURE: East River Electric Power
OWNERS ADDRESS: PO Box 227
OWNERS CITY, STATE, ZIP: Madison, SD 57042
OWNERS PHONE: 605-256-8267 (Cell 605-351-8076 Paul Letsche)

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: A new 30' tower for attaching necessary equipment for substation transmission.

LEGAL DESCRIPTION: 220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R63W
of the 5th P.M., Brown County, South Dakota

SIGNATURE: 

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: December 17, 2019 TIME: 7:00 pm

MEETING: located in the **Basement Community Room of the Court House Annex**

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



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- ✓ Full screen or normal viewing mode.
- ✓ Thumbnail view.
- ✓ Translate information into your desired language for all maps and alpha listings.
- ✓ All advertisers displaying their website will be linked to that website.

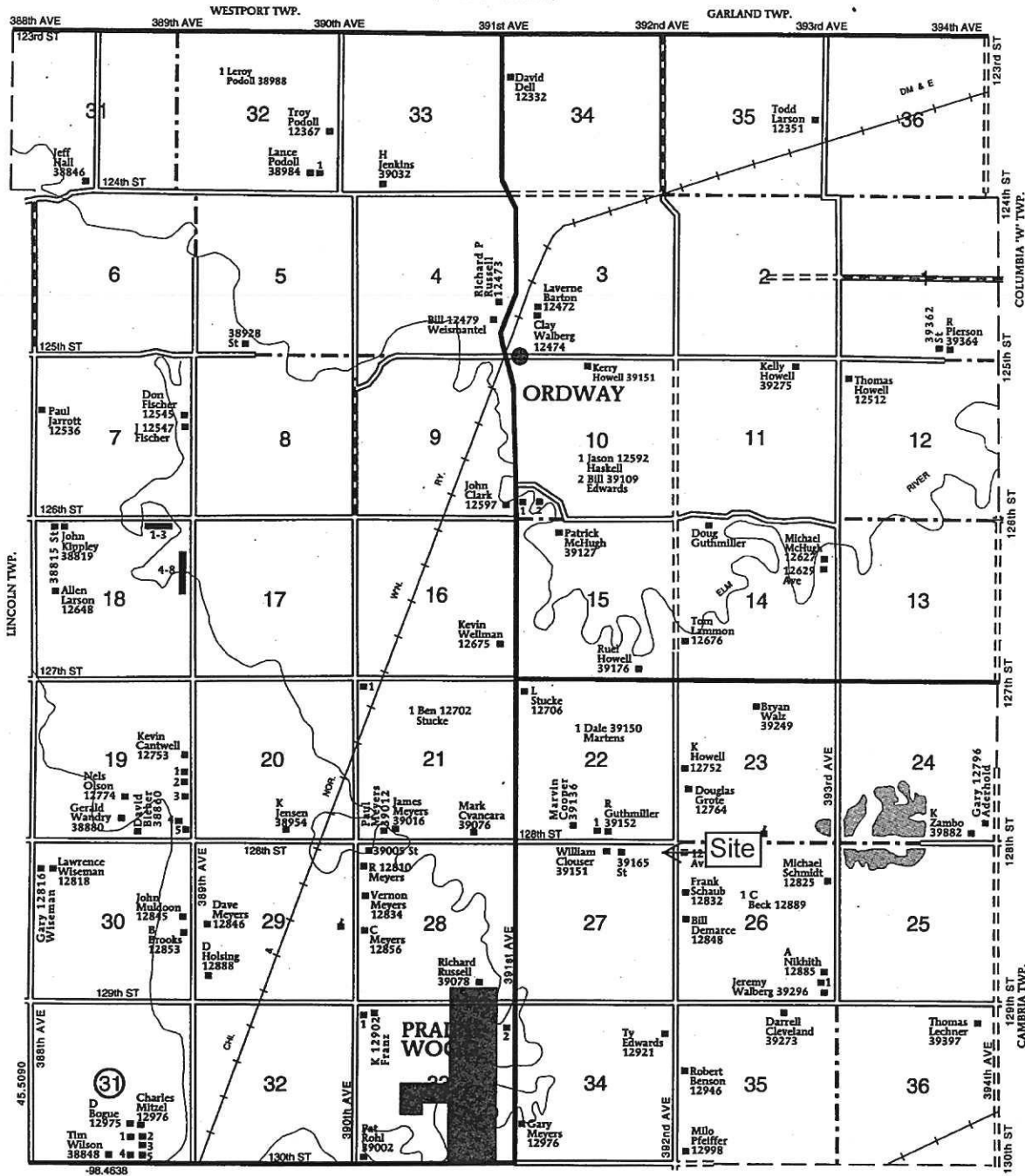
524 River Ave. North
Belmond, IA 50421
800-685-7432

T-124-125-N

ORDWAY DIRECTORY

R-63-W

(Residents - Owners or Renters)



ORDWAY TOWNSHIP

SECTION 18

- 1 Anderson, James 38873
- 2 McCormick, D 38879
- 3 Siefken, S 38883
- 4 Blondo, Richard 12625
- 5 Berke, Raymond 12631
- 6 Ivey, Len 12641
- 7 Winkler, Barry 12643
- 8 Lambert, Larry 12649

SECTION 19

- 1 Felckert, Matthew 12761
- 2 Barcler, John 12767
- 3 Klinkel, Scott 12777
- 4 Thorpe, Ray 12791
- 5 Poor, Roger 12797

SECTION 31S

- 1 Lindseeth, Mark 12981
- 2 Erdmann, Kenneth 12982
- 3 Quam, Everett 12990
- 4 Drube, Kurt 12997

SECTION 33S

- 1 Wagner, E 12904
- 2 Telgen, Wayne 12919

SECTION 35

- 5 Schock, Cam 12996

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Special Exception/Conditional Use Petition. A hearing will be held in the basement of the Courthouse Annex, east Community Meeting Room on *December 17, 2019 at 7:00 pm* for the purpose of Special Exception/Conditional Use in an Agricultural Preservation District.

Petitioner & owner: *East River Electric Power*

Description of property: 220' X 300' NE Corner of the NE1/4 of Section 27-T124N-R96W of the 5th P.M., Brown County, South Dakota (39199 128th St).

Reason: A new 30' tower for attaching necessary equipment for substation transmission on an existing substation.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Special Exception/Conditional Use.

Dated this *4th day of December 2019*

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

CHAPTER 4.35 COMMUNICATION TOWERS AND FACILITIES

4.3501 Communication Towers and Facilities Requirements

Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used, however, proposed modifications must be reviewed by the Director, and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities on towers constructed prior to adoption of this ordinance must be submitted for review.

A. Co-Location. Prior to applying for a Conditional Use Permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

1. The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of South Dakota, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of South Dakota.
4. Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.
5. No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs.
6. Furthermore, no new tower/facility shall be approved that is not in compliance with all standards for approval set forth in this ordinance.

B. General Approval Standards

1. Separation. The following separation requirements shall apply to all proposed communication towers and facilities.

a) Separation from planned and/or existing residential properties.

Proposed towers/facilities shall be separated from neighboring properties either planned or utilized for residential purposes as established herein. **The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line** of a neighboring tax parcel used or planned for residential purposes. For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property

shall be considered to be planned for residential purposes if it is within two miles of a city boundary, and that city has established a residential land use classification for the property.

(1) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater.

(2) For guyed towers/facilities the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater, plus one hundred (100%) percent of the length of the longest supporting guy wire.

2.Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposals requirements, as documented by a qualified engineer.

3. Required Setbacks. The center foundation of all towers/facilities are required to be setback in accordance with the following:

a) From any public right-of-way, the following apply:

(1) for towers of monopole and lattice-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower or two hundred (200) feet, whichever is greater; and for towers of guyed-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower plus the length of guyed wire or two hundred (200) feet, whichever is greater.

(2) From any adjoining property zoned or planned residential or existing residential use, the distance of three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower/facility for towers of lattice or monopole construction type; and three hundred (300) or one hundred fifty (150%) percent of the height of the tower/facility plus one hundred (100%) percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.

(3) From other property lines, a distance equal to at least fifty (50%) percent of the height of the tower/facility.

(4) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the lease area.

4. Fencing and Screening.

a) **Security Fencing.** Towers/facilities shall be enclosed by fencing not less than six (6) feet in height and shall be equipped with appropriate anticleimbing devices.

b) **Screening.** The lowest six (6) feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

5. Aesthetics. Towers/facilities shall meet the following general requirements.

a) **Color.** Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.

- b) **Lighting.** Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
- c) **Signs.** No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of this ordinance, Signs section. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of emergency.

C. The proposed tower/facility must comply with all other applicable local, state or federal regulations.

D. The proposed tower/facility will not unreasonably interfere with the view from any publicly-owned or managed areas or major view corridors.

E. Removal of Abandoned Towers/Facilities. The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Brown County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from Brown County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.

1. Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.
2. Documentation must be provided to the Brown County Planning and Zoning Department with signatures by all property owners with an interest in the tower/facility stating knowledge of the penalties associated with a County infraction, including that all costs for removal of abandoned towers/facilities in accordance with these regulations may be assessed against property under their ownership. Such documentation must be provided on the form supplied by the Brown County Planning and Zoning Department, and submitted at time of Application for Zoning Permit.

F. Submittal Requirements. In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower/facility.
2. Legal description of the parent parcel and leased parcel (if applicable).
3. The separation distance between the proposed tower/facility and nearest planned and/or existing residential property.

4. The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing tower(s) and owner/operators of such facilities.
5. A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials
6. Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.
7. A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in this Ordinance.
8. Identification of all other tower/facility sites owned and/or operated by the applicant within Brown County.
9. Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site and width, depth and height shall be presented.
10. Wireless telecommunications towers and antennae shall be designed to withstand sustained winds of at least 80 miles per hour.
11. Commentary on Ice Design Criteria for Communications Structures shall be consulted for ice load specifications.
12. The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
13. Copy of the signed lease agreement with the property owner.
14. Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100%) of the search ring for the proposed site of the wireless communications facility.
15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed.

Brown County GIS
(for reference only)

22-124-63

23-124-63

392ND AVE

128TH ST

128TH ST

22 23
27 26

SITE

392ND AVE

27-124-63

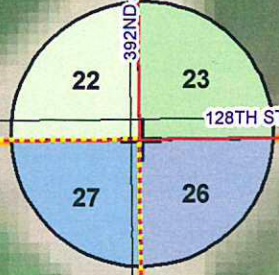
26-124-63



Brown County GIS
(for reference only)

128TH ST

392ND AVE



128TH ST

392ND AVE



STAFF REPORT
December 17, 2019

VARIANCE FOR BLDG SETBACKS IN R-1

ITEM # 5

GENERAL INFORMATION

PETITIONER	Thomas Hoff
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot 4 Block 3, "Northwood 1st Subdivision" in the NE1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	3108 North Cyprus Street
EXISTING ZONING	Residential District (R-1)
SURROUNDING ZONING	
North:	Residential District (R-1)
South:	Residential District (R-1)
East:	Residential District (R-1)
West:	Residential District (R-1)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for 15' setback on the front yard setbacks for installing a handicap ramp.

REVIEW: The petitioner is making their home assessable for a relative that is moving into their home.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: 11/18/19
RECEIPT # 132283
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 12-4-19

OWNERS SIGNATURE: Tom Hoff Tom Hoff
OWNERS ADDRESS: 3108 N CYPRUS ST
OWNERS CITY, STATE, ZIP: Aberdeen S.D.
OWNERS PHONE: 605 290 9060

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: A variance to setback of 15' on the front rather than the required 25'. This is for a handicap ramp to be installed for a relative moving in to their home.

LEGAL DESCRIPTION: Lot 4 Block 3 Northwood 1st Subdivision in the NE 1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota

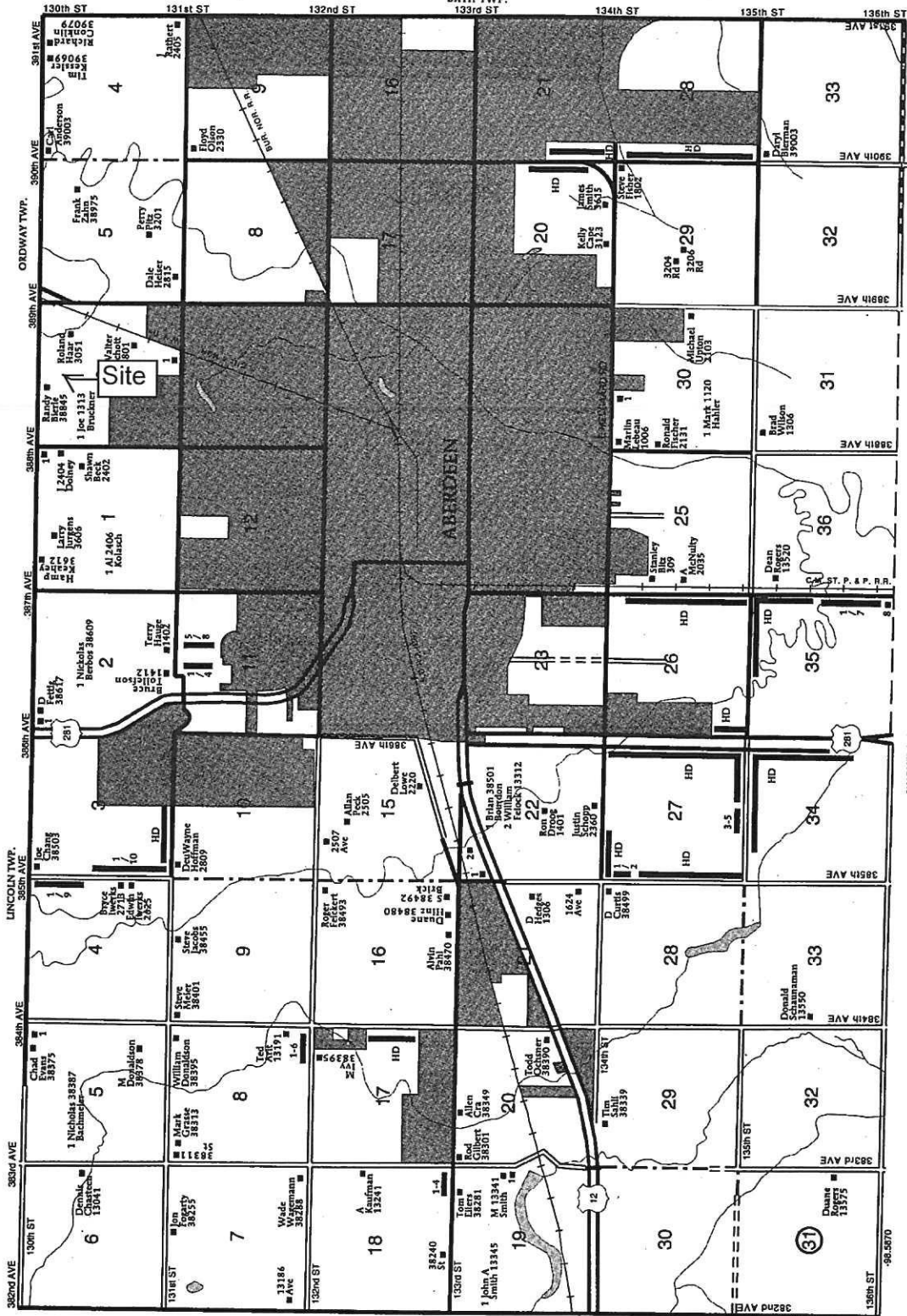
Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: December 17, 2019 **TIME:** 7:00 PM

(Residents - Owners or Renters)

BATH TWP.



MERCIER TWP.

45.4216

GEM 'W' TWP.

WAGNER 'N' TWP.

ABERDEEN TOWNSHIP

- 8 2504
- 9 Bossert, Curt 2422
- 10 Bollwerk, Donald 2402
- SECTION 1W
- 1 Blabbe, Bruce 3229
- 2 Mober, Arvin 3221
- 3 VanderHoek, Corey 3213
- 4 Goehring, Larau 3205
- 5 Dykema, City 3133
- Emery, T 2536
- SECTION 3
- 1 2724
- 2 Smith, Douglas 2716
- 3 Heintzman, Rob 2708
- 4 2822
- 5 Senst, Jeff 2810
- 6 Zacher, Leland 2602
- 7 Emery, T 2536
- SECTION 27
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 28
- 1 Hilgemann, Bryon 2328
- 2 Mauritzson, John 2324
- 3 Volzke, Dennis 2322
- SECTION 1B
- 1 Larson, Dan 2329
- 2 Kokales, Joe 2327
- 3 Lipp, Leon 2325
- 4 Conrads, D 2323
- 5 Retzer, Robert 2330
- SECTION 11
- 4 Strelter, Steve 38290
- 5 Bltz, Robert 38392
- 6 Zimmer, Kyle 38396
- SECTION 11
- 1 Fisher, Paul 3125
- 2 Ratzliff, Fred 3105
- 3 Newman, Mary 3021
- 4 Huizenga, Arnold 2815
- SECTION SW
- 1 Brezizinski, Thomas 38374
- 2 Felckert, David 38362
- 3 Darling, Roger 38368
- SECTION 29
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- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 41
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 42
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 43
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 44
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 45
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 46
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 47
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 48
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 49
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555
- SECTION 50
- 1 1805
- 2 Paulsen, William 1823
- 3 Aberle, Arthur 36548
- 4 Schwan, Christopher 36534
- 5 Forkei, Raymond 38556
- SECTION 3E
- 1 Brake, Brad 13555

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 17, 2019 at 7:00 P.M. for the purpose of Variance to Building Setbacks in a Residential District (R-1).

Petitioner / Owner: *Thomas Hoff*

Description of property: *Lot 4 Block 3, "Northwood 1st Subdivision" in the NE1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (3108 N Cyprus Street).*

Reason: *Variance to minimum Building Setbacks in a Residential District (R-1) to be 15' from the Front Yard rather than 25' required for a Handicap ramp.*

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 4th day December 2019

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market St., Suite #5
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

13 130TH ST NE

130TH ST NE 13 County St
(for reference only)

130 T NE 13

130TH ST NE 13

N CYPRUS ST

N MAGNOLIA ST

HEMLOCK AVE NE

SITE

N CYPRUS ST

N MAGNOLIA ST



Brown County GIS
(for reference only)

SITE

N CYPRUS ST

N MAGNOLIA ST



STAFF REPORT
December 17, 2019

VARIANCE FOR BLDG SETBACKS IN AG-P

ITEM # 6

GENERAL INFORMATION

PETITIONER	Roger Gray
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lots 16-18 except the west 60' of 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W, of the 5th P.M., Brown County, South Dakota.
LOCATION	379268 & 379290 South Shore Drive
EXISTING ZONING	Lake Front Residential District (R-3)
SURROUNDING ZONING	
North:	Richmond Lake
South:	Lake Front Residential District (R-3)
East:	Agricultural Preservation District (AG-P)
West:	Lake Front Residential District (R-3)
PUBLIC UTILITIES	Web Water, Central Sewer System
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Variance for Building Setbacks in a Lake Front Residential District (R-3) allowing for: 20' setback from southeast rear yard rather than the 30' required in a Lake Front Residential District.


RECOMMENDATIONS: A Staff recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: November 25, 2019
RECEIPT # 132280
TOWNSHIP: Ravinia

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 12/2/19

OWNERS SIGNATURE: Roger Gray 
OWNERS ADDRESS: 1420 18th Ave NE
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 6005-380-3838

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

A previous variance to setback in an Agricultural Preservation District was approved for 30' setback rather than 100' required. Property rezoned to Lake Front Residential District.
REQUEST: Variance to building setback in a Lake Front Residential District (R-3) Rear Yard (southeast) to be 20' rather than 30' required.

LEGAL DESCRIPTION: Lots 16-18 except the west 60' of 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W, Brown County, South Dakota. (379268 & 379290 South Shore Drive)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: December 17, 2019 **TIME:** 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

Your Ad Could Be Here

in the Next Plat and Directory Publication.

Contact Farm & Home Publishers 1-800-685-7432 • Fax 641-444-5150

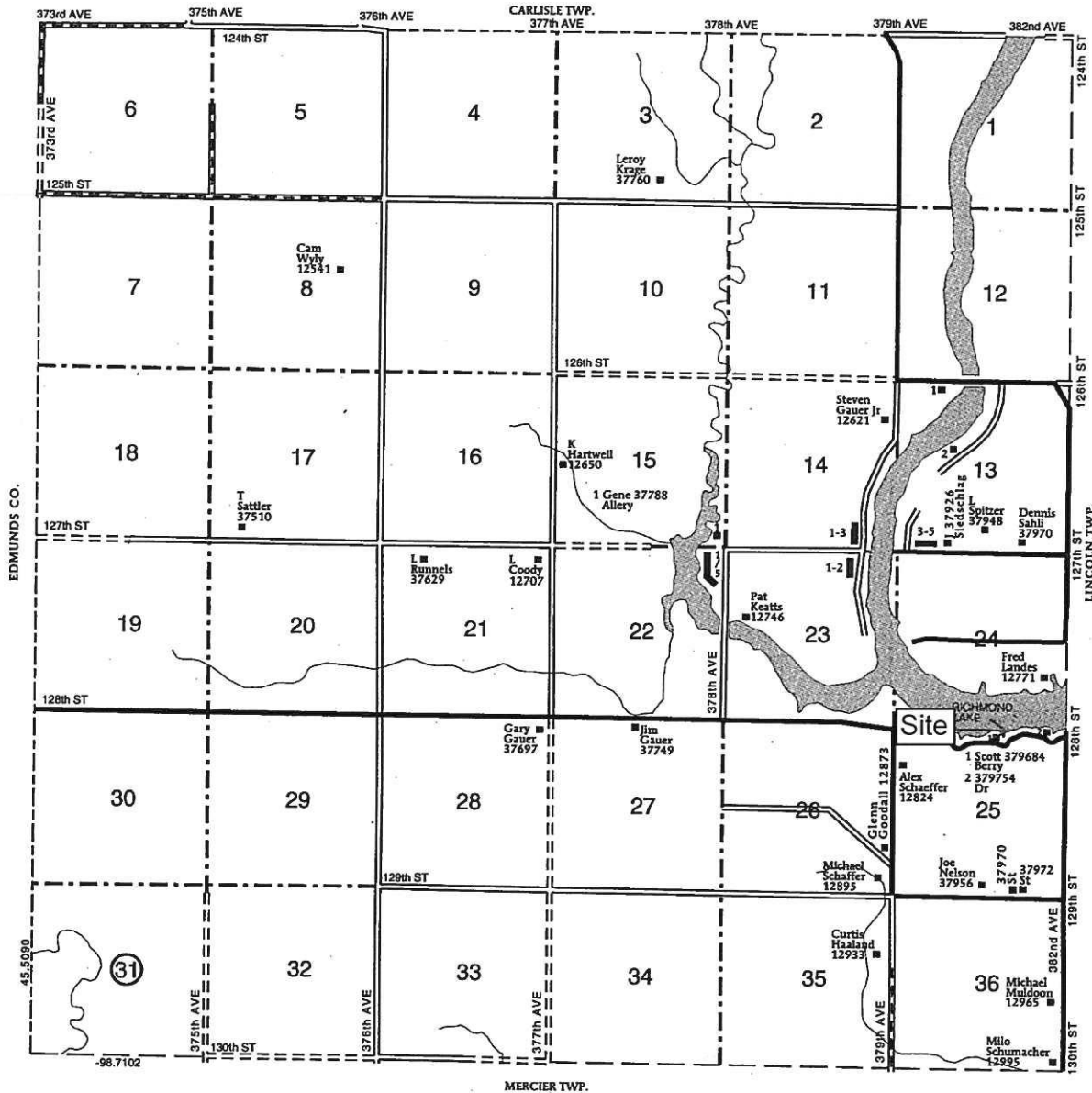
E-Mail info@farmandhomepublishers.com
to get your business added to the next year's publication

T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



RAVINIA TOWNSHIP

SECTION 13

- 1 Kirchgester, Jim 37935
- 2 Bahr, Justin 126401
- 3 Schmitz, B 37902
- 4 Vitense, David 37908
- 5 Biegler, Jerry 37910

SECTION 14

- 1 Mishaw, Mark 126928
- 2 Lutz, Douglas 126966
- 3 126974

SECTION 22

- 1 Myhre, Gary 127093
- 2 Anderson, Jeremiah 127131
- 3 Millett, Craig 127151
- 4 Thayer, Dan 127257
- 5 Wahl, Lanny 127395

SECTION 23

- 1 Wolf, Frank 127148
- 2 Fischer, Brock 127216

NOTICE OF HEARING - VARIANCE

Application has been made to the Brown County Planning/Zoning Commission for a *VARIANCE PETITION*. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 17, 2019 at 7:00 P.M. for the purpose of a Variance to Building Setbacks in a Lake Front Residential District (R-3).

Petitioner / Owner: Roger & Lora Gray

Description of property: Lots 16-18 except the west 60' of 18, all in the NW1/4 of Section 25-T124M-R65W of the 5th P.M., Brown County, South Dakota (379268 & 379290 South Shore Dr).

Reason: Variance to Building Setbacks in a Lake Front Residential District (R-3) Rear Yard to be 20' rather than 30' required.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 4th day of December 2019

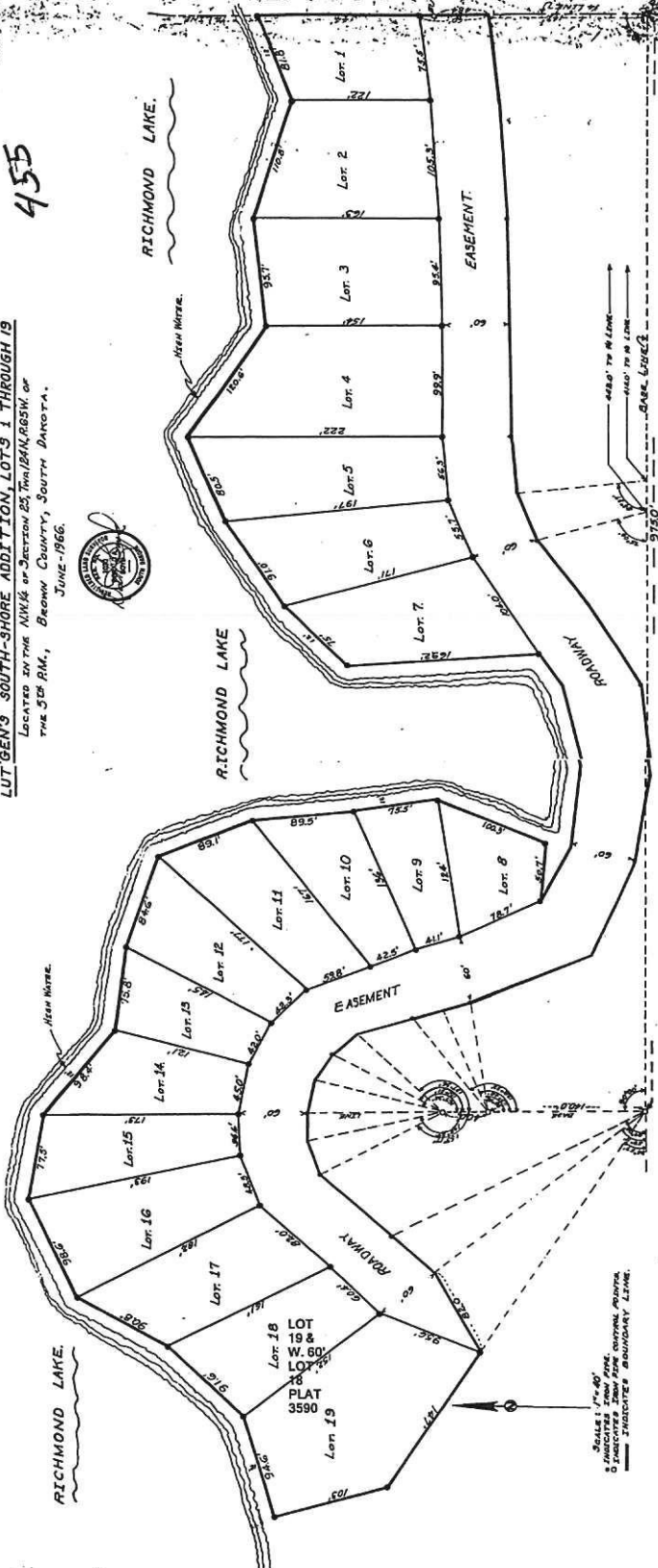
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

LUT GEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19
 Located in the NW¼ of Section 25, T10N, R65W of
 THE 5th R.M., BEAUMONT COUNTY, SOUTH DAKOTA.
 JUNE - 1966.

455

Sheet No. 2100



SCALE: 1"=40'
 BEARINGS AND DISTANCES SHOWN
 DESCRIBE THE BOUNDARY LINES
 UNLESS INDICATED OTHERWISE

LOT
 18
 19 &
 W. 60'
 LOT
 17
 PLAT
 3590
 LOT
 19

LUTGEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19, LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE

WE, JOHN SCHAEFFER, JR. AND HELEN SCHAEFFER, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF LUTGEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19, LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, THE BOUNDARIES OF SAID ADDITION AS INDICATED ON THE WITHIN PLAT. WE FURTHER CERTIFY THAT SAID ADDITION IS FREE FROM ANY ENCUMBRANCE, AND THAT THE WITHIN PLAT WAS MADE AT OUR REQUEST FOR THE PURPOSES INDICATED THEREIN, AND THE WITHIN PLAT SHALL HEREAFTER BE KNOWN AS "LUTGEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19, LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA". WE FURTHER DEDICATE THE ROADWAY SHOWN TO THE PUBLIC FOR PUBLIC USE FOREVER. LUTGEN'S SOUTH-SHORE ADDITION CONTAINS 72.34 ACRES, NOT INCLUDING THE TWELVE FOOT PUBLIC RIGHT-OF-WAY EASEMENT BETWEEN THE FRONT BOUNDARY LINES OF SAID ADDITION AND THE EXISTING HIGH WATER LINE OF RICHMOND LAKE.

DATE 27-June 66 John Schaeffer, Jr.
JOHN SCHAEFFER, JR., OWNER
DATE June 27-66 Helen Schaeffer
HELEN SCHAEFFER, OWNER

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA }
COUNTY OF BROWN }

ON THIS THE 27th DAY OF June, 1966, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JOHN SCHAEFFER, JR. AND HELEN SCHAEFFER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: 12-2-73 Laverne Kieck
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, DON A. BOYD, REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED LUTGEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19, LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN ON THE WITHIN PLAT, AT THE REQUEST OF THE OWNERS, AND SAID SURVEY AND PLAT IS IN ALL RESPECTS TRUE AND CORRECT. I FURTHER CERTIFY THAT I HAVE SET IN THE GROUND IRON PINS AT THE LOCATIONS INDICATED ON THE WITHIN PLAT.

DATE 4 JUNE 1966 Don A. Boyd
DON A. BOYD, REG. LAND SURVEYOR, S.D. 1030

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA }
COUNTY OF BROWN }

ON THIS THE 27th DAY OF JUNE, 1966, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED DON A. BOYD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES: 13th Nov 68 Robert W. ...
NOTARY PUBLIC

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONER'S, BROWN COUNTY, SOUTH DAKOTA

ON MOTION MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED: "BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONER'S OF BROWN COUNTY, SOUTH DAKOTA, IN REGULAR SESSION ASSEMBLED, THAT THE PLAT OF LUTGEN'S SOUTH-SHORE ADDITION, LOTS 1 THROUGH 19, LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, BE APPROVED THIS 27 DAY OF June 1966, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 45, 28 SDC., AND ALL AMENDMENTS THEREOF."

I, FRANCIS McNEARY, COUNTY AUDITOR OF BROWN COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONER'S OF BROWN COUNTY, SOUTH DAKOTA. DATED THIS 27 DAY OF June 1966.

Francis McNeary
FRANCIS McNEARY, COUNTY AUDITOR
BROWN COUNTY, SOUTH DAKOTA

I, RUTH HUMPHRIES, DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 26 DAY OF June 1966.

Ruth Humphries
RUTH HUMPHRIES, DIRECTOR OF EQUALIZATION
BROWN COUNTY, SOUTH DAKOTA

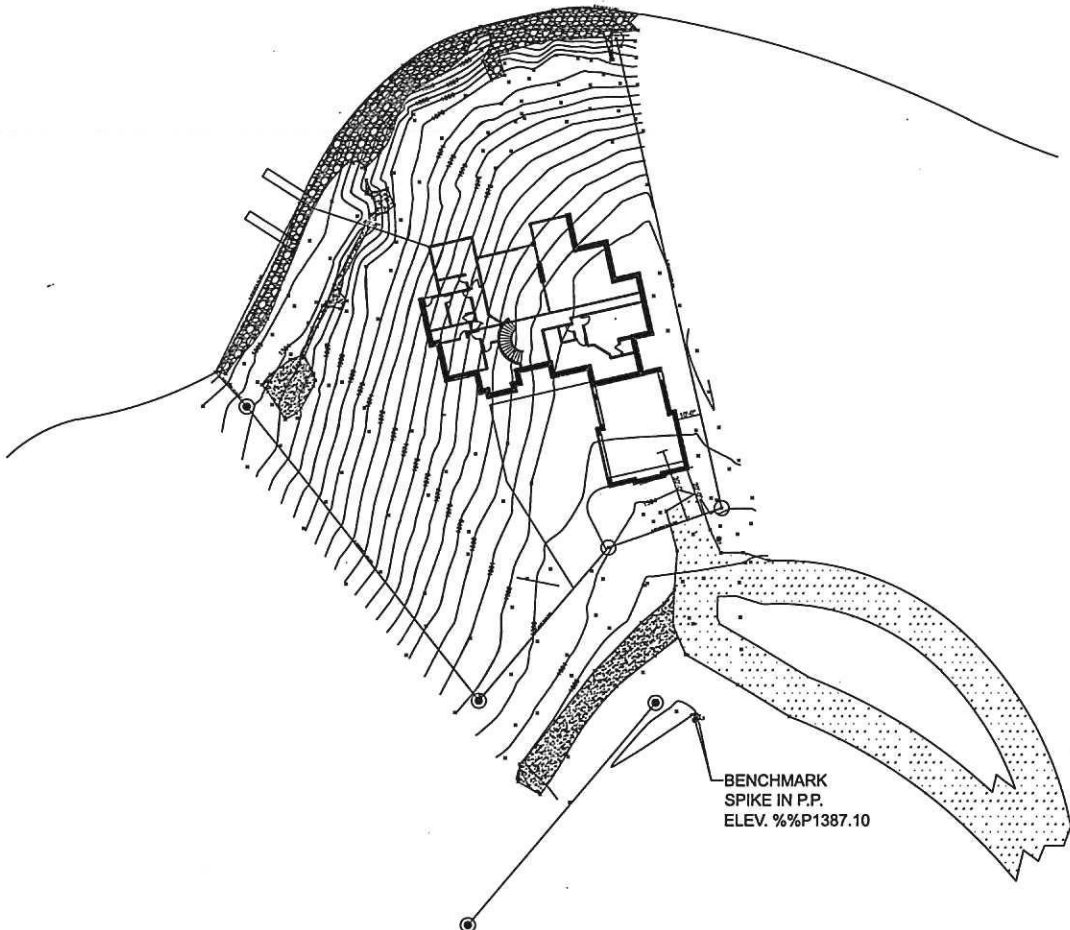
FILED FOR RECORD THIS 28th DAY OF June, 1966, AT 11:30 O'CLOCK A.M., AND DULY RECORDED IN BOOK _____, PAGE _____, AND DESIGNATED AS PLAT NO. _____.

Allie R. Milstead
ALLIE MILSTEAD, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA


TREASURER'S CERTIFICATE

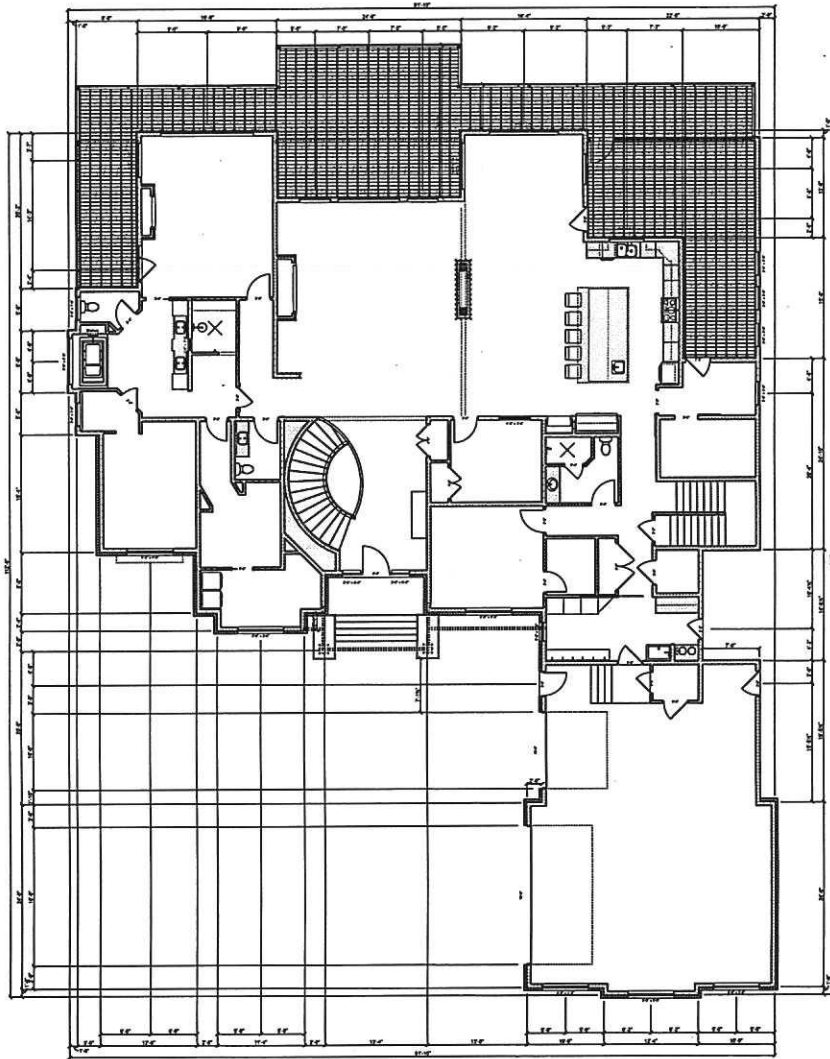
I, BERNARD LARSON, TREASURER OF BROWN COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.

DATE 6/27/66 B. Larson
BERNARD LARSON, TREASURER, BROWN COUNTY, S.D.




Site Plan
SCALE: 1" = 50'-0"

DRM	Roger & Lora Gray Home	GENERAL NOTES	
11.21.2019	PROJECT NAME	1. DRAWINGS FOR REFERENCE ONLY. 2. ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR OR SUBCONTRACTOR. 3. QUEST CONSTRUCTION NOT RESPONSIBLE FOR ERRORS OR OMISSIONS. 4. DRAWING AND DESIGN ARE THE PROPERTY OF QUEST CONSTRUCTION.	
DATE	TITLE		



Gray - Main Floor

SCALE: 1/16" = 1'-0"

DRM	Roger & Lora Gray Home	GENERAL NOTES	
11.21.2019			
DATE	TITLE		

Brown County GIS
(for reference only)



MARQUETTE
DR

SITE

6D

S SHORE DR



Brown County GIS
(for reference only)

SITE

6D

S SHORE DR



Scott Bader

From: Ross Currence <rvcurrence@gmail.com>
Sent: Monday, December 9, 2019 8:44 PM
To: Scott Bader
Cc: Ross Currence
Subject: SE 1/4 of Section 4 in Aberdeen Township
Attachments: Section 4 of Aberdeen Township.jpg; Building Design.pdf

Scott,

Below are some more details around the land we discussed today, along with the purpose of the potential zone change.

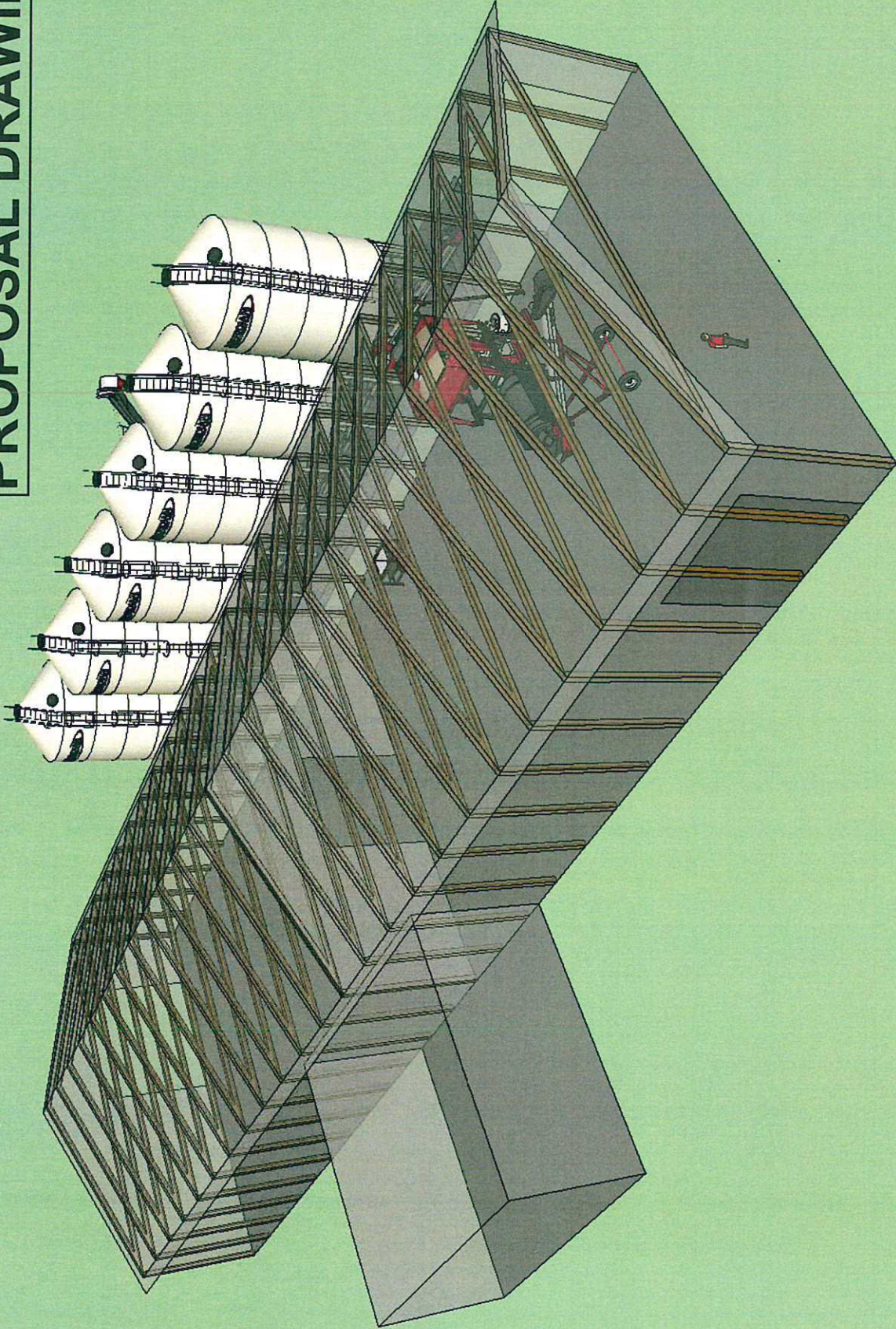
The parcel we discussed is located in the SE 1/4 of Section 4 in Aberdeen Township. We are looking at re-zoning approximately 10 acres of a 120 acre parcel that is currently zoned as Ag Use. We would like to look at re-zoning the 10 acres from Ag Use to Highway Commercial. I have attached a pdf document that illustrates in blue dotted lines where the 10 acres would be located. There are currently 2 approaches off of 391st Ave. that allow access to this piece of property. We would likely use the north approach for the 10 acres of Highway Commercial and the south approach could continue to be used for the remaining 110 acres of ag land. The purpose of the zone change would be for us to build an ag retail facility. This facility and land would have a professional appearance that would offer sales of both agronomy products and consulting services. Agronomy products offered would mainly be seed, crop protection products, and possibly some liquid fertilizer in the future. The building and supporting structure would meet state fire codes and other state regulations that would be needed for ag retail.

Please let me know if you have any further questions or any other details that I may provide so this may be discussed at the next Board Meeting.

Thanks,

Ross Currence
605-216-3389

PROPOSAL DRAWING



C
U
S
T
O
M
E
R

Ross Currence
Aberdeen, SD

Pioneer

DEALER/SALESMAN
KSi/Tyler

DATE
11/20/19

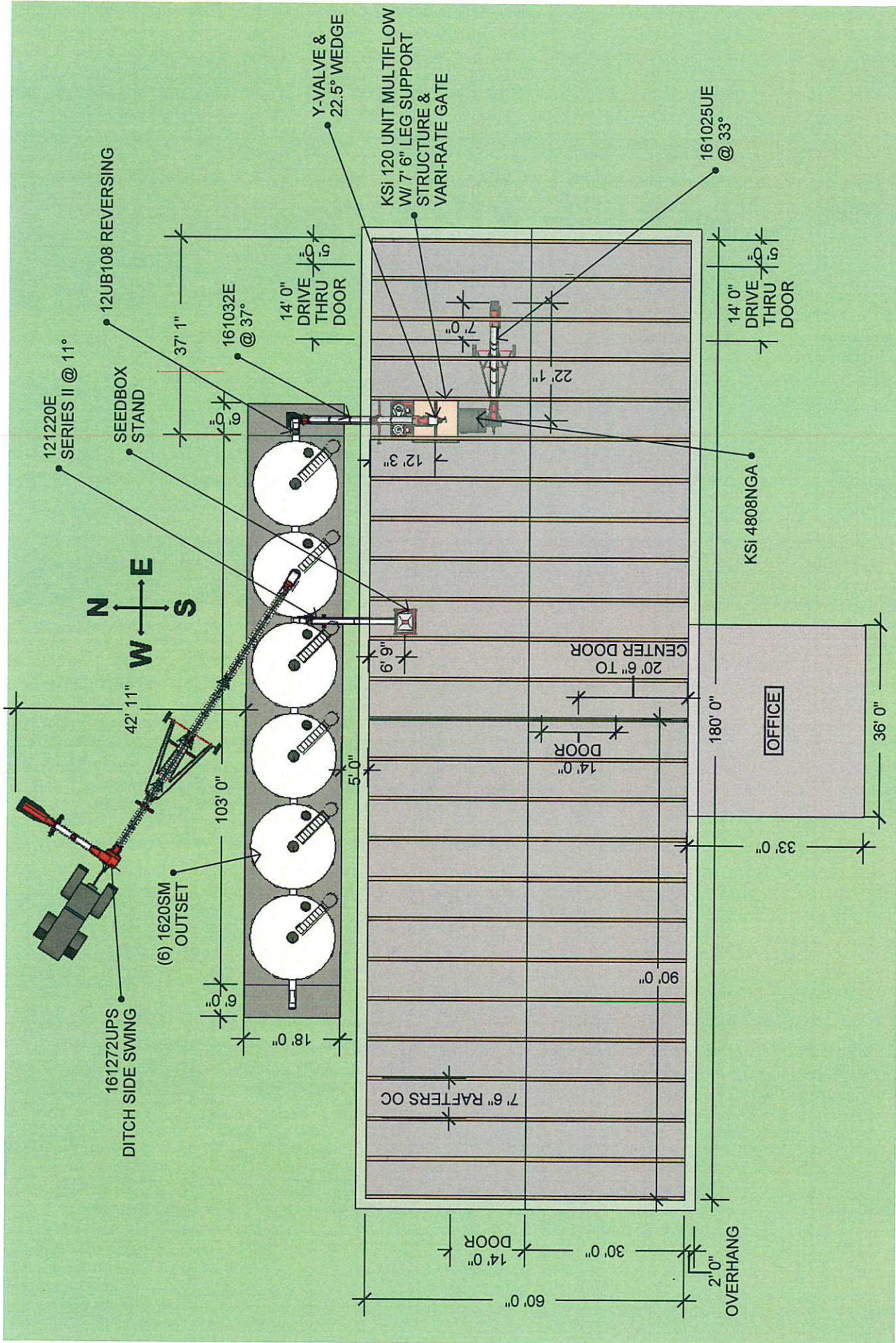
CHANGE LEVEL
00.1

04
03

VIEW
ISO



DRAWING
PAGE
01



CUSTOMER	Ross Currence Aberdeen, SD		DEALER/SALESMAN KSi/Tyler	DATE 11/20/19	CHANGE LEVEL 00.1	VIEW TOP	DRAWING PAGE 02
	Pioneer						

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Brown County GIS
(for reference only)

N 391ST AVE
14

INNERHORSE DR

SITE

N 391ST AVE
14

24TH AVE NE



24TH AVE NE

14
N 391ST AVE

STAFF REPORT

December 17, 2019

REZONE PARCEL from an AG-P District

ITEM # 10

GENERAL INFORMATION

PETITIONER	Debbie Nerland
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	Lots 1&2, "Marzenell Subdivision" in the SE1/4SW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	37946 & 37948 135 th St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone for into compliance with the existing use of the property.

REVIEW: Lot 1 = 3.66± acre and Lot 2 = 16.29± acres. Both parcels do not meet a minimum 40.0 acres and do not qualify for a "farm unit" reduction for AG-P District per Title 4, Chapter 4.0605. Rezoning to Mini Agriculture District (M-AG) brings both parcels into compliance for their current (rural residential) and intended uses (rural residential/agriculture).

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a REZONE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on *December 17, 2019 at 7:00 P.M.* for the purpose of Rezoning *Agriculture Preservation District (AG-P) to a Mini Agriculture District (M-AG)*.

Petitioner & owner: *Debbie Nerland / Vera Rieger*

Description of property: *Lots 1 & 2, Marzenell Subdivision in the SE quarter of SW quarter of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota (37946 & 37948 135th Ave).*

Reason: To bring the Zoning into compliance with the existing use of the property..

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Brown County Commission with a future meeting date in the Brown County Commission Chambers. Verify date with the Brown County Auditor.

Dated this 27th day of November, 2019

Planning/Zoning Commission &
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

POACHING FOODS

Similar to simmering, poaching is cooking food gently in liquid just below the boiling point. During poaching, the liquid's flavor is picked-up by the ingredient being poached.

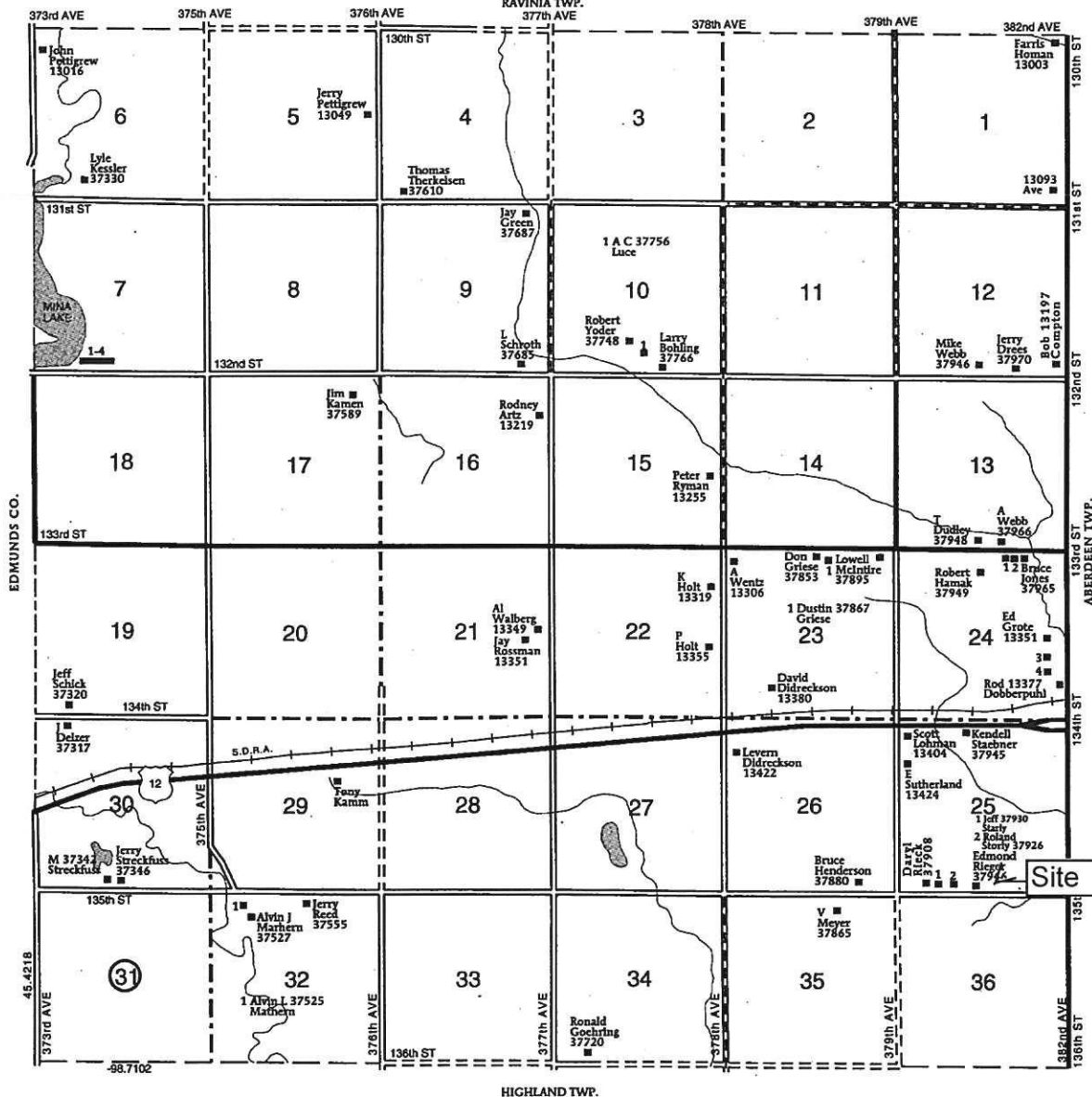
T-123-N

MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)

RAVINIA TWP.



MERCIER TOWNSHIP

SECTION 7

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Ernst, Russ 37310
- 4 Benton, Dennis 37320

SECTION 24

- 1 Hehn, Robert 37961
- 2 Huber, Kevin 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leland 13371

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 11/08/19
Receipt: 13226
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

Legal Description:

Lots 1 & 2, "Marzenell Subdivision" in the SE 1/4SW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 37946 & 37948 135th St
From the **Agriculture Preservation District (AG-P)**
To the **Mini Agriculture District (M-AG)**

Purpose: To bring both parcels into compliance

Size of Parcel: Lot 1 = 3.66[±] acre and Lot 2 = 16.29 [±] acres.

Existing Land Use: Rural Residential and Rural Residential/Agriculture

Petitioner: Debbie Nerland

Signature: Debbie Nerland

Date: 12/4/19 Phone: 225-9507

Address: 38546 128th St
Aberdeen SD 57401
City State Zip

Owner: Vera Rieger

Signature: Debbie Nerland for Vera Rieger

Date: 12/4/19 Phone: 605-290-1131

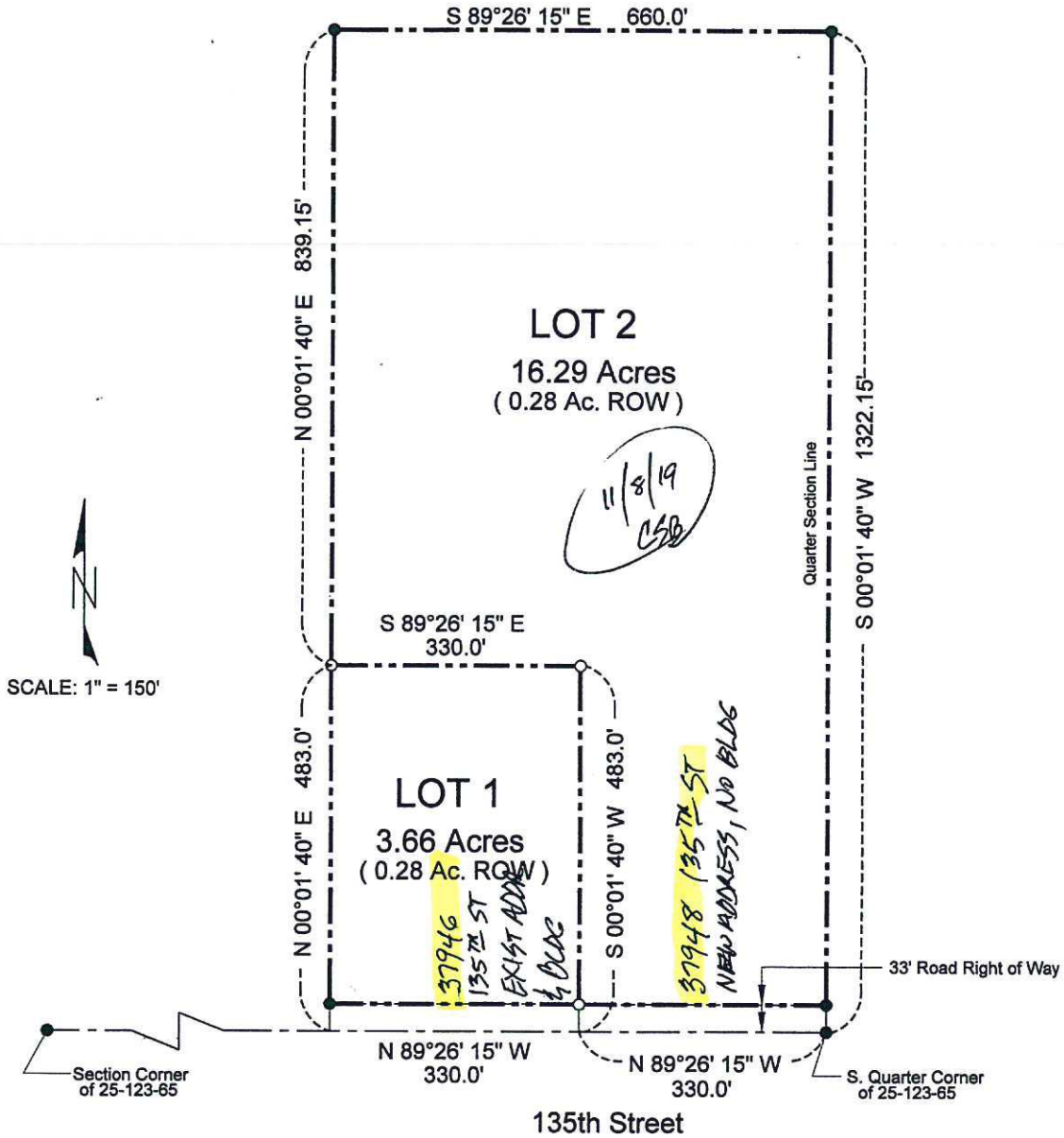
Address: 1901 3rd Ave SE Apt 316
Aberdeen, SD 57401

Additional Signatures may be submitted on a separate page.

ASSESSOR'S OFFICE **COPY**

PLAT OF MARZENELL SUBDIVISION

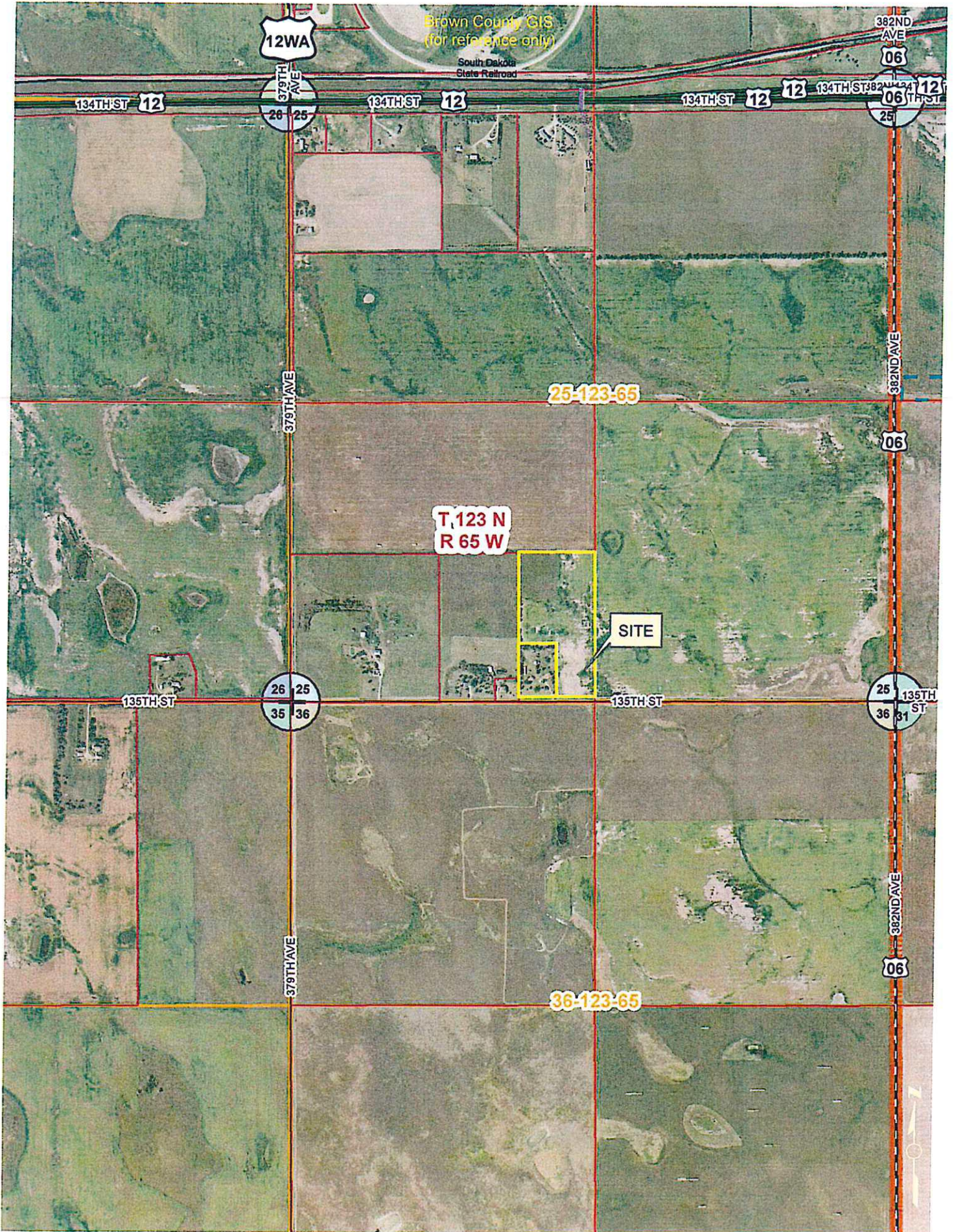
IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 25, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE
5TH P.M., BROWN COUNTY, SOUTH DAKOTA.



BASIS OF BEARINGS
SOUTH LINE OF SECTION 25
AS N 89° 26' 15" W



- LEGEND**
- DENOTES IRON MONUMENT FOUND
 - DENOTES 5/8" IRON MONUMENT SET WITH CAP STAMPED HOWE LS 6574



AG-P Brown County GIS
(for reference only)

AG-P

AG-P

AG-P

AG-P

135TH ST
AG-P

AG-P



STAFF REPORT
December 17, 2019

REZONE PARCEL from an AG-P District

ITEM # 11

GENERAL INFORMATION

PETITIONER	David Reder
REQUEST	Petition to rezone property
LEGAL DESCRIPTION	Lots 1 & 2 "1 st Subdivision Larson Outlot 1" in the SW1/4 of Section 24-T122N-R64W of the 5th P.M., Brown County, South Dakota
TOWNSHIP:	Warner Twp
LOCATION	13958 387 th Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Mini Agriculture District (M-AG)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone for a Non-conforming lot to bring it into compliance.

REVIEW: Parcel (9.96 ± acres) does not meet a minimum 40.0 acres for AG-P District and does not qualify for the "farm unit" reduction for AG-P District. Rezoning to Mini Agriculture District (M-AG) brings this parcel into compliance for its current and intended use.

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a *REZONE PETITION*. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on December 17, 2019 at 7:00 P.M. for the purpose of Rezoning from *an Agriculture Preservation District (AG-P) to a Mini Agriculture District (M-AG)*.

Petitioner & owner: *David J Reder*

Description of property: *Lot 2 1st Subdivision Larson Outlot 1 in the SW quarter of Section 24-T122N-R6W of the 5th P.M., Brown County, South Dakota (13958 387th Ave).*

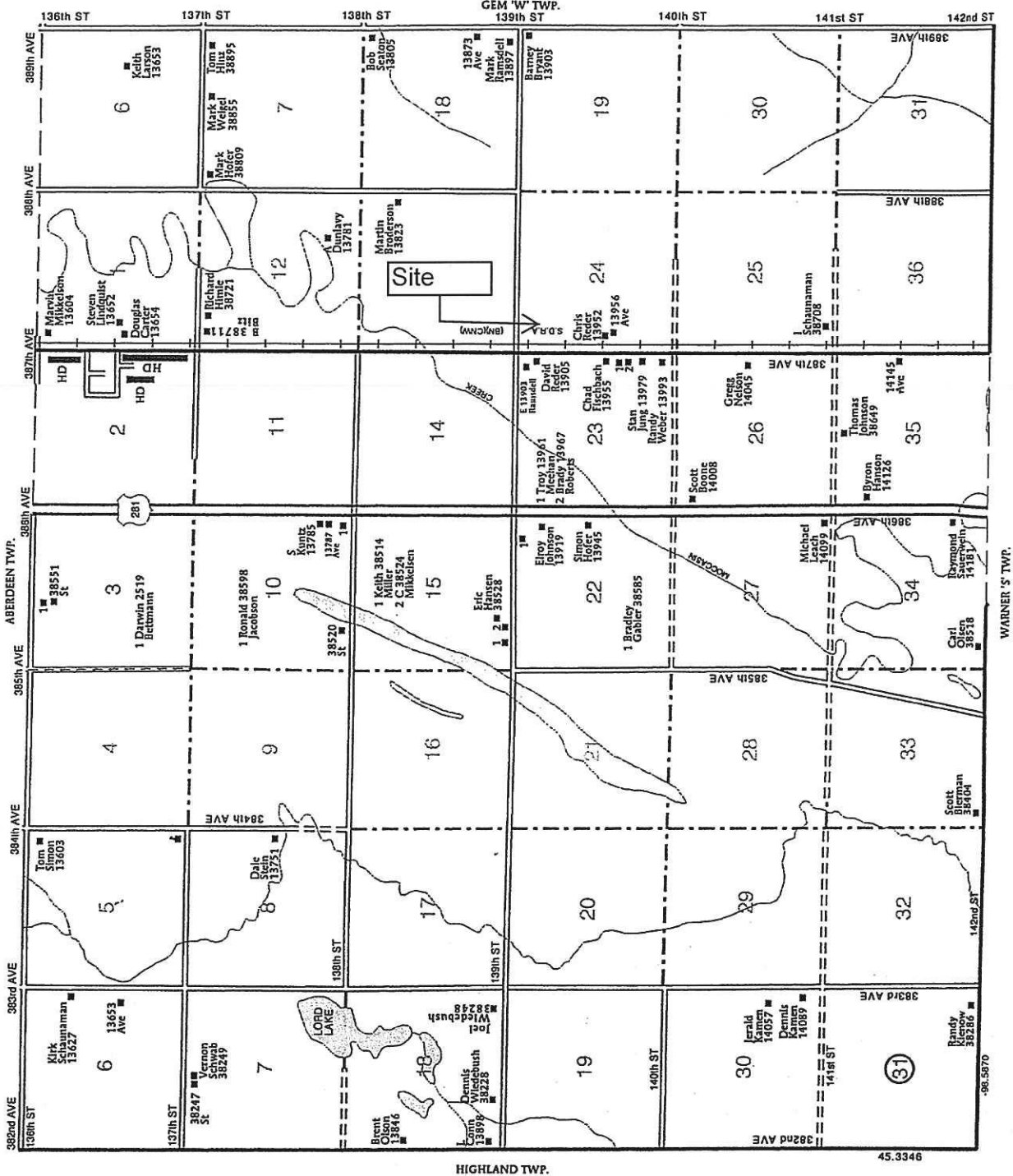
Reason: To bring the Zoning into compliance with the existing use of the property..

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Brown County Commission with a future meeting date in the Brown County Commission Chambers. Verify date with the Brown County Auditor.

Dated this 27th day of November, 2019

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market St., Suite #5
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: _____
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

Legal Description:

Lot 2 1st Subdivision Larson Outlot 1 in the SW1/4 of Section 24-T122N-R64W

General Area Location or Street Address: 13958 387th Ave

From the Agricultural Preservation (AG-P) District
To the Mini-Agricultural Preservation (M-AG) District

Purpose: To bring into compliance with existing use of the property.

Size of Parcel: 9.96 acres

Existing Land Use: Agriculture (AG-P)

Petitioner: (Print) DAVID J. REIDER
Signature: [Signature]
Date: 11/18/2019 Phone: 605 225-4562
Address: 13905 387th AVE
WARNER SD 57479
City State Zip

Owner: (Print) SAME AS PETITIONER
Signature: _____
Date: _____ Phone: _____
Address: _____
City State Zip

Additional Signatures may be submitted on a separate page.

DRAWING NUMBER

16-1192E

SARGO PRODUCTS - NEW HOPE, MINNESOTA
DESIGNED BY PAUL M. LAMBER 6302

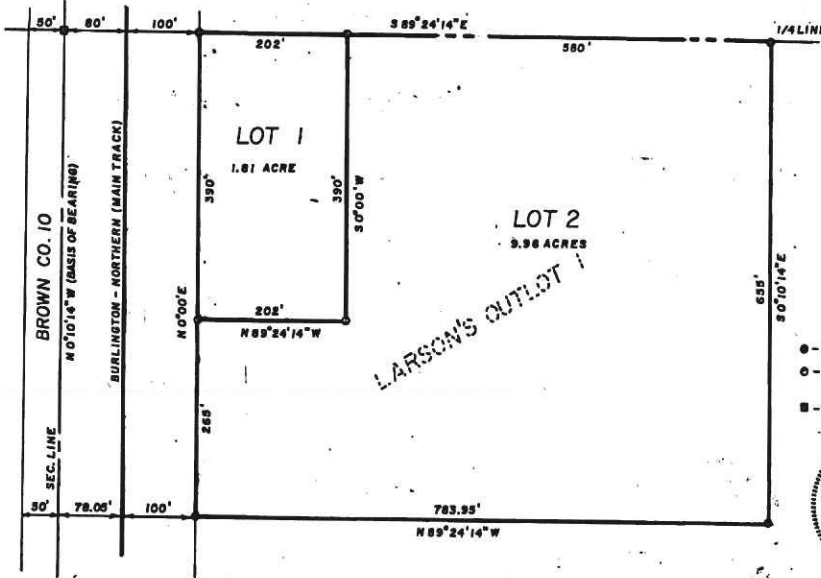
DRAWING NUMBER

1 of 1

SARGO PRODUCTS - NEW HOPE, MINNESOTA
DESIGNED BY PAUL M. LAMBER 6302

PLAT SHOWING

FIRST SUBDIVISION OF LARSON'S OUTLOT 1 IN THE SW 1/4 OF SEC. 24,
T. 122 N.; R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



- - IRON PIPE FOUND
- - 5/8" REBAR SET W/CAP MARKED OCHS RLS 3210
- - W1/4 COR. SEC. 24-122-64



OWNER'S CERTIFICATE

We, the estate of S. Carlton Larson, do hereby certify that we are the owners of Larson's Outlot 1 in the SW 1/4 of Sec. 24, T. 122 N., R. 64 W. of the 5th P.M., Brown County, South Dakota, and that we have caused the same to be surveyed and subdivided as shown on the accompanying plat which shall hereafter be known and described as "First Subdivision of Larson's Outlot 1 in the SW 1/4 of Sec. 24, T. 122 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," containing 11.77 acres, more or less. We do further certify that the development of the land included in this plat shall conform to all existing, applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 13th day of August, 1997.

Karl L. Reeder
 S. CARLTON LARSON ESTATE BY:
 KARL L. REEDER AS COURT APPOINTED SIGNATORY

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this 13th day of August, 1997, before me, *Mary L. Schaffer*, the undersigned officer, personally appeared *Karl L. Reeder*, known to me or satisfactorily proven to be the court appointed signatory for the Estate of S. Carlton Larson, and whose name is subscribed to the within instrument and who acknowledged that he executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 12-23-96

Mary L. Schaffer
 Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Ochs, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "First Subdivision of Larson's Outlot 1 in the SW 1/4 of Sec. 24, T. 122 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," and that I have set iron rebar property pins as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 1st day of May, 1997.

Douglas J. Ochs
 Registered Land Surveyor #3210

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 16th day of December, 1997.

"Be it resolved by the Plan Commission of Brown County, South Dakota that the plat showing "First Subdivision of Larson's Outlot 1 in the SW 1/4 of Sec. 24, T. 122 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-2, and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 23rd day of December, 1997.

"Be it resolved by the Board of Commissioners of Brown County, South Dakota that the plat showing "First Subdivision of Larson's Outlot 1 in the SW 1/4 of Sec. 24, T. 122 N., R. 64 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the land included in this plat are shown by the records of my office to be fully paid.

Signed this 17th day of December, 1997.

Donna Burdick
 County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 17th day of December, 1997.

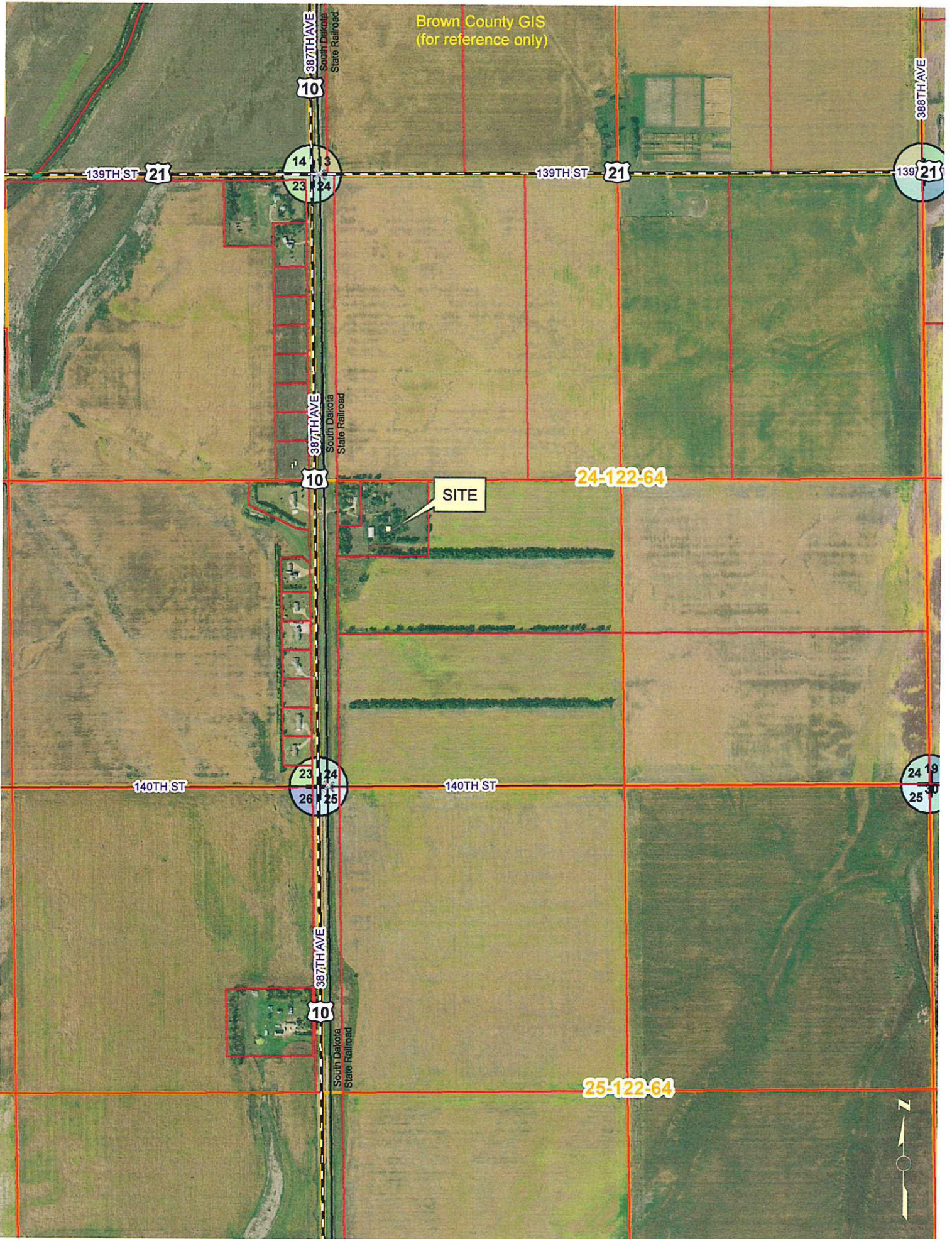
Archie Anderson
 Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 7 day of January, 1998, at 1:40 o'clock P.M., and duly recorded in Book of Plats No. 16 in envelope 1182E therein.

Carol Lindemann
 Register of Deeds, Brown County, South Dakota

Brown County GIS
(for reference only)



139TH ST 21

387TH AVE 10

14 13
23 24

139TH ST 21

388TH AVE

139 21

387TH AVE 10

SITE

24-122-64

140TH ST

23 24
26 25

140TH ST

24 19
25 20

387TH AVE 10

25-122-64





M-AG

Brown County GIS
(for reference only)

M-AG

AG-P

AG-P

SITE

AG-P

AG-P

AG-P

387TH AVE



South Dakota
State Railroad

AG-P

AG-P

ROW

M-AG

AG-P

M-AG

M-AG

AG-P



STAFF REPORT
December 17, 2019

PRELIMINARY & FINAL PLAT

ITEM # 12

GENERAL INFORMATION

PETITIONER	Wayne Cutler
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	“Wayne Cutler Subdivision” in the NE1/4 of Section 9-T125N-R60W of the 5th P.M., Brown County, South Dakota
LOCATION	11901 409 th Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final Plat for conveyance.

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges the plat and existing accesses. This plat requires this lot to be rezoned to Mini-Ag (M-AG) since it does not meet the “Farm Unit” requirements. An application for Rezone has been submitted.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Wayne Cutler Subdivision

QUARTER: NE SECTION: 9 TOWNSHIP: 125 RANGE: 60

LOTS 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Wayne Cutler

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon (Helms & Assoc)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$ 100.00 DATE PAID: 12 / 11 /20 19

RECEIVED BY PLANNING DEPARTMENT: 12 / 06 /20 19 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES _____ OTHER _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT _____

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. _____ BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: 12/09/19
RECEIPT # 132286
TOWNSHIP: Claremont Twp

FEES: \$100.00
PAID: (YES) NO (CHK) CASH
DATE: 12-11-19

OWNERS SIGNATURE: Wayne Cutler
OWNERS ADDRESS: 11901 409th Ave
OWNERS CITY, STATE, ZIP: Claremont, SD 57432
OWNERS PHONE: _____

AGENTS SIGNATURE: Robert and Connie Cutler *Connie Cutler*
AGENTS ADDRESS: 40994 116th ST
AGENTS CITY, STATE, ZIP: Claremont, SD 57432
AGENTS PHONE: 605-294-5332

REQUEST: Platting of Lot 1, 8.42 Acres for conveyance proposes.

LEGAL DESCRIPTION: Wayne Culter Subdivision in the NE1/4 of Section 9-T125N-R60W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: December 17, 2019 TIME: 7:00 PM

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

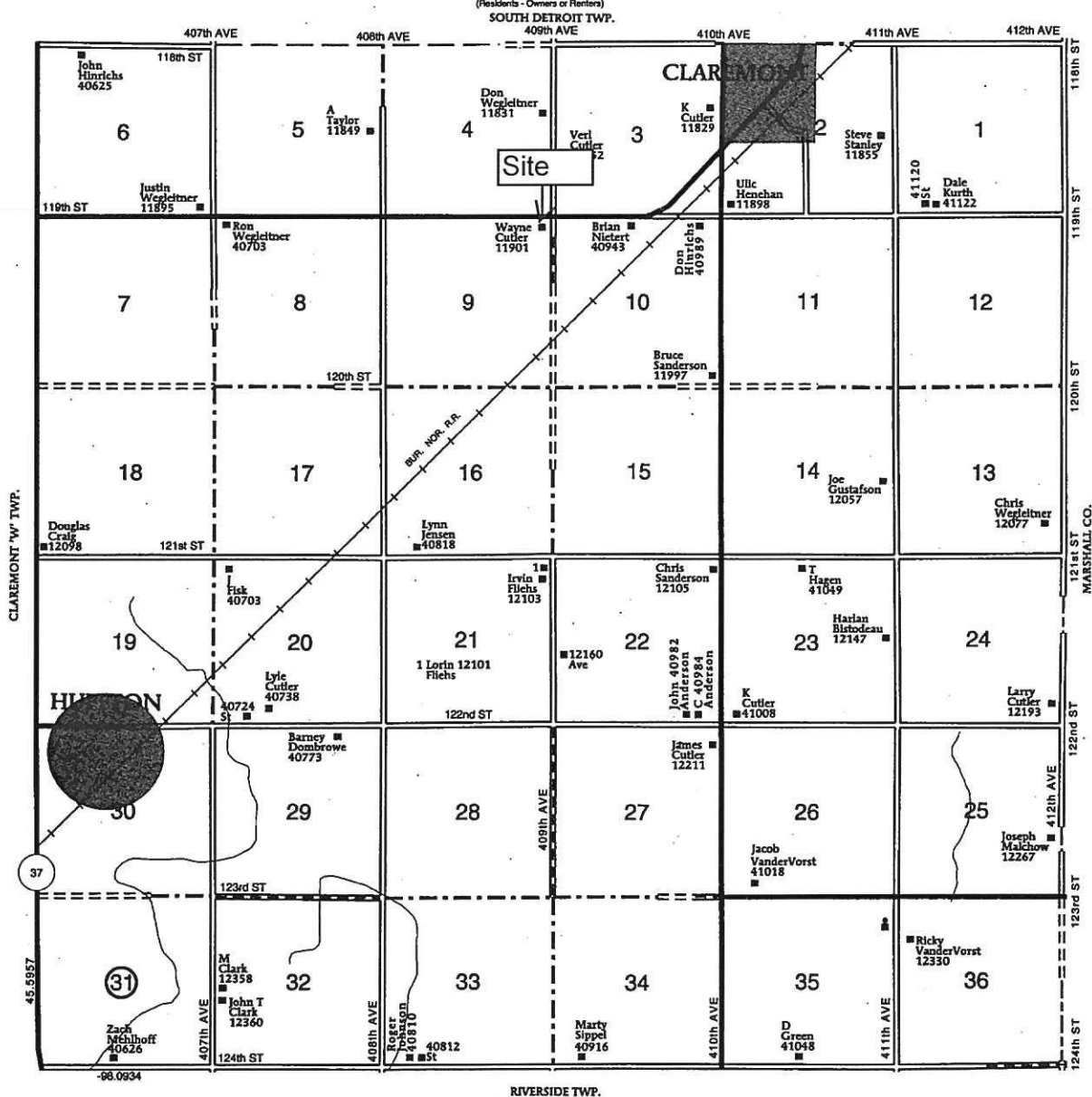
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



T-125-N

CLAREMONT 'E' DIRECTORY

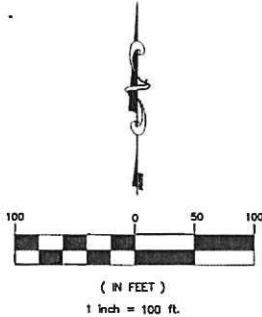
R-60-W



Will Place Check RLS

A-7520

PLAT OF WAYNE CUTLER SUBDIVISION, IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

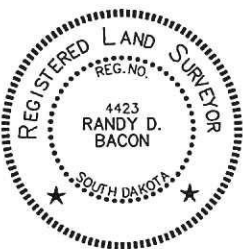
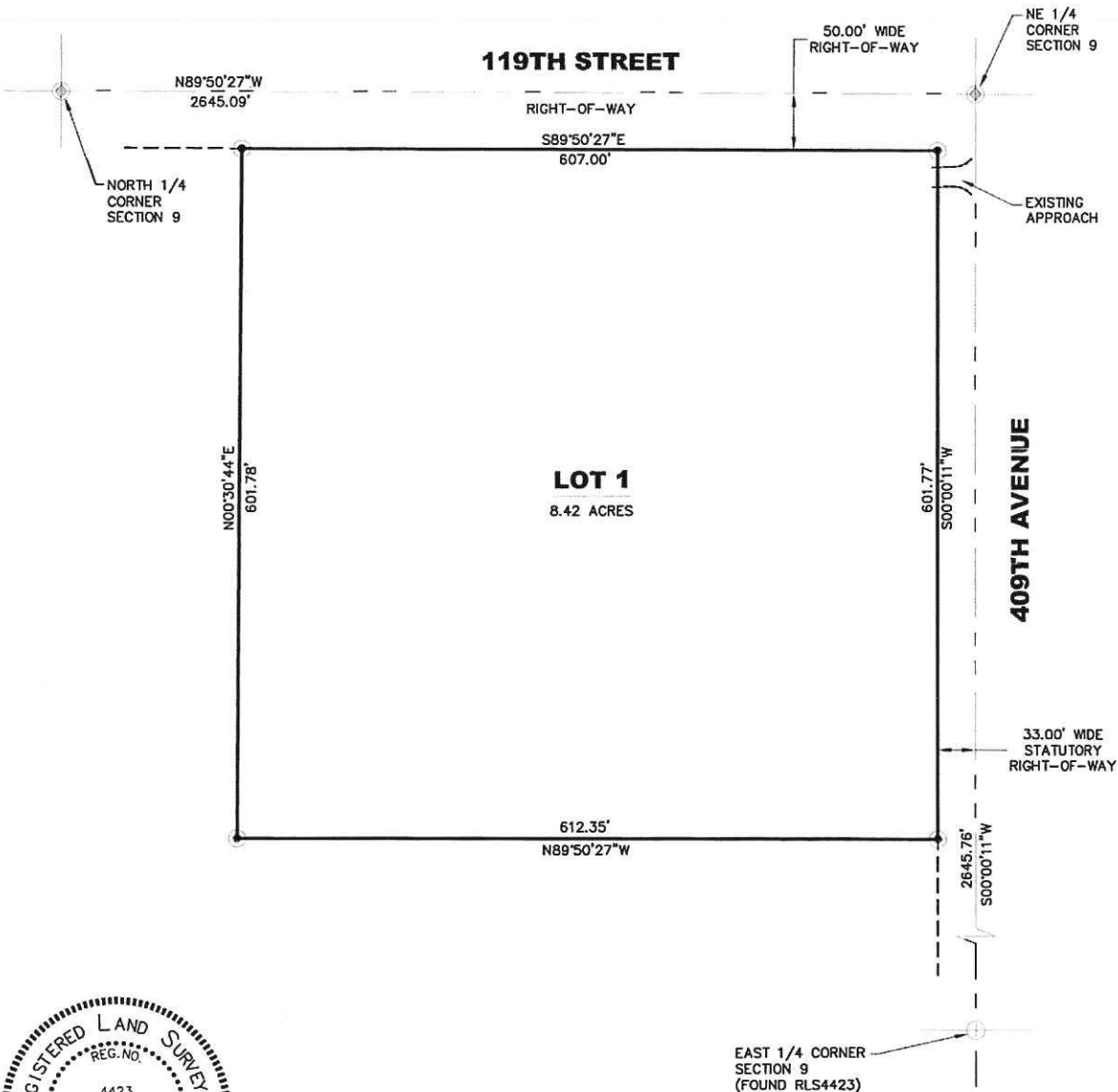


LEGEND

- FOUND PROPERTY CORNER
- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- ⊗ SET 3" SPIKE W/ WASHER STAMPED BACON RLS 4423

BASIS OF BEARINGS

TRUE MERIDIAN - GPS



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF

A-7520

WAYNE CUTLER SUBDIVISION,
IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF WAYNE R. CUTLER AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO NOVEMBER 12, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: WAYNE CUTLER SUBDIVISION, IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS ___ DAY OF _____, 20___

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS, WAYNE CUTLER SUBDIVISION, IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ___ DAY OF _____, 20___

WAYNE R. CUTLER

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ___ DAY OF _____, 20___ BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED WAYNE R. CUTLER, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Previously Known as: NE1/4 of Section 9-T125N-R60W of the 5th P.M., Brown County, South Dakota

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ___ DAY OF _____, 20___

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING, WAYNE CUTLER SUBDIVISION, IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ___ DAY OF _____, 20___

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING, WAYNE CUTLER SUBDIVISION, IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF

A-7520

**WAYNE CUTLER SUBDIVISION,
IN THE NE 1/4 OF SECTION 9-T125N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

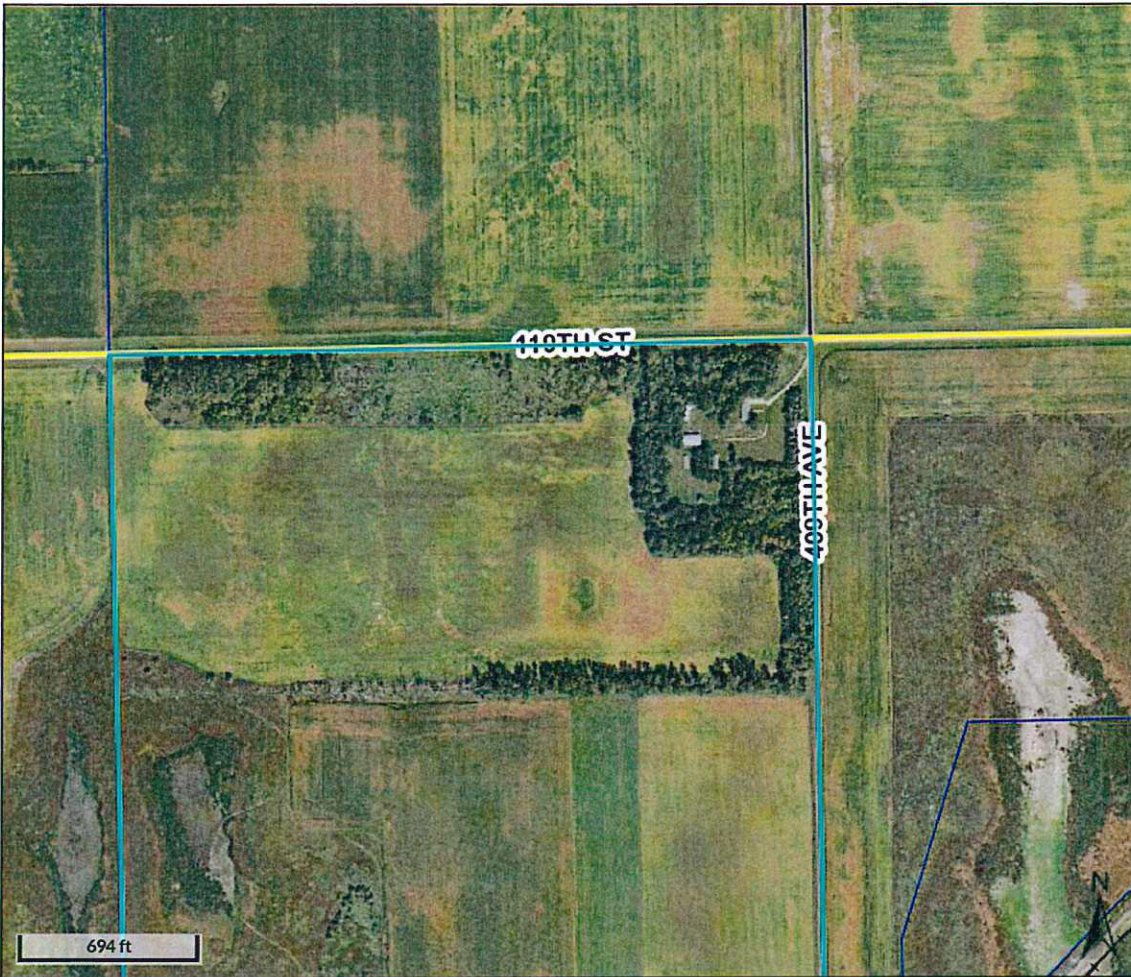
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED AS
PLAT NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



Overview



Legend

-  Railroad
-  Highways
- Roads**
-  City Street
-  County System Road
-  No Local Administration
-  Township System Road
-  Legal Townships
-  Parcels
-  Cities and Towns

Parcel ID	1952	Class	AGA	Owner Address	WAYNE R. CUTLER
Sec/Twp/Rng	9-125-60	Acreage	156		11901 409TH AVE
Property Address	11901 409TH AVE				CLAREMONT SD 57432
	CLAREMONT TWP				
District	106452				
Brief Tax Description	NE 9-125-60				
	(Note: Not to be used on legal documents)				

Date created: 12/9/2019
 Last Data Uploaded: 12/9/2019 7:39:58 AM

Developed by  **Schneider**
 GEOSPATIAL

STAFF REPORT
December 17, 2019

PRELIMINARY & FINAL PLAT

ITEM # 13

GENERAL INFORMATION

PETITIONER	Jim Whitman
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	“Geist Subdivision” in the N1/2NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota
LOCATION	13417 396 th Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final Plat for conveyance.

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges the plat. Zoning Department *recommends approval with the stipulation*

1. The department has written approval from Bath Township that an approach access is approved. A decision on location has not been made at this time.
2. This plat be rezoned to Mini-Ag (M-AG) since it does not meet the agricultural “Farm Unit” requirements. An application must be submitted, signed and paid before plat is filed.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Geist Subdivision

QUARTER: NE SECTION: 29 TOWNSHIP: 123 RANGE: 62

LOTS 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: James Whitman

OWNERS NAMES: Paul Whitman

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon (Helms & Assoc)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$ 100.00 DATE PAID: 12 / 9 /2019

RECEIVED BY PLANNING DEPARTMENT: 12 / 06 /2019 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES _____ OTHER _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT _____

EXISTING ACCESS SHOWN ON PLAT _____ ACCESS NEEDED X

DIMENSION ALL LINEWORK FOR GIS DEPT. _____ BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:


RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: 12/06/19
RECEIPT # 132284
TOWNSHIP: Bath Twp

FEES: \$100.00
PAID: YES NO CHK CASH
DATE: 12/09/19

OWNERS SIGNATURE: James Whitman 
OWNERS ADDRESS: 39561 134th St
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: 605-380-7660

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Platting for conveyance purposes.

LEGAL DESCRIPTION: Geist Subdivision in the N1/2NE1/4 of Section 29-T123N-R62W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

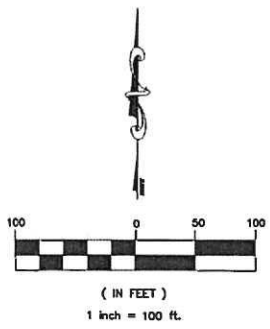
HEARING DATE: December 17, 2019 TIME: 7:00 PM

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

PLAT OF GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

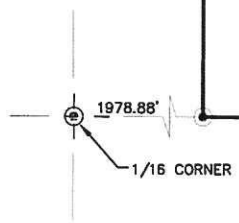
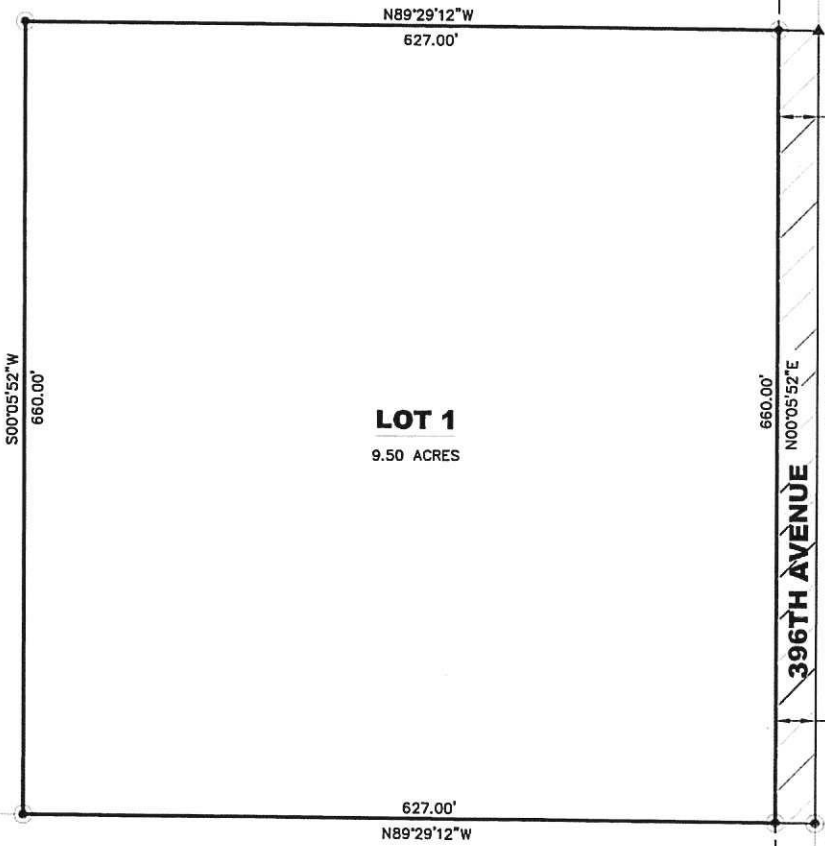
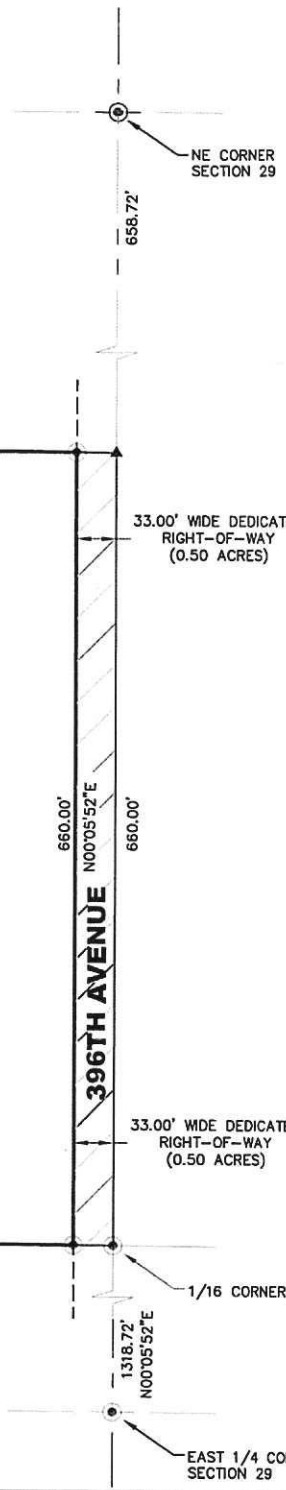


LEGEND

- FOUND PROPERTY CORNER
- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423

BASIS OF BEARINGS

TRUE MERIDIAN - GPS



Helms & Associates
 CIVIL ENGINEERS & LAND SURVEYORS
 221 Brown County Highway 19
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212 Fax: 605.225.3189

**PLAT OF
GEIST SUBDIVISION
IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W
OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF JAMES A. WHITMAN AND PAUL WHITMAN, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO NOVEMBER 25, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.
I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS ____ DAY OF _____, 20____.

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT (WE/I) THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT. AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____.

FORMERLY DESCRIBED AS:

N 1/2 NE 1/2 OF SECTION 29-T123N-R62W OF THE 5TH P.M.
EXCEPT THE NORTH 180' OF THE NEXT 105' WEST OF THE EAST 1959'
PREVIOUSLY DEEDED AND THAT PORTION KNOWN AS THE WEST HOUSE,
TOGETHER WITH FARMYARD AND ALL BUILDINGS LOCATED THEREON AND
EXCEPT WHITMAN'S OUTLOTS 1 AND 2.

Formerly Described As:

N1/2NE1/4 of Section 29-T123N-R62W, of
the 5th P.M., Brown County, South Dakota
except "Whitman's Outlots 1 and 2" in the
N1/2NE1/4 of Section 29-T123N-R62W.

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

PAUL WHITMAN

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES A. WHITMAN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

MY COMMISSION EXPIRES: _____

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED PAUL WHITMAN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

PLAT OF

A-7540

**GEIST SUBDIVISION
IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W
OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING; GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING; GEIST SUBDIVISION IN THE N 1/2 NE 1/4 OF SECTION 29-T123N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED AS PLAT NO. _____.

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Brown County GIS
(for reference only)

PARK RD

SITE

395TH AVE
16

16
19 20
30 29

395TH AVE
16

16
30 29
31 32

395TH AVE
16

396TH AVE

20 21
29 28

396TH AVE

29 28
32 33

396TH AVE

134TH ST

134TH ST

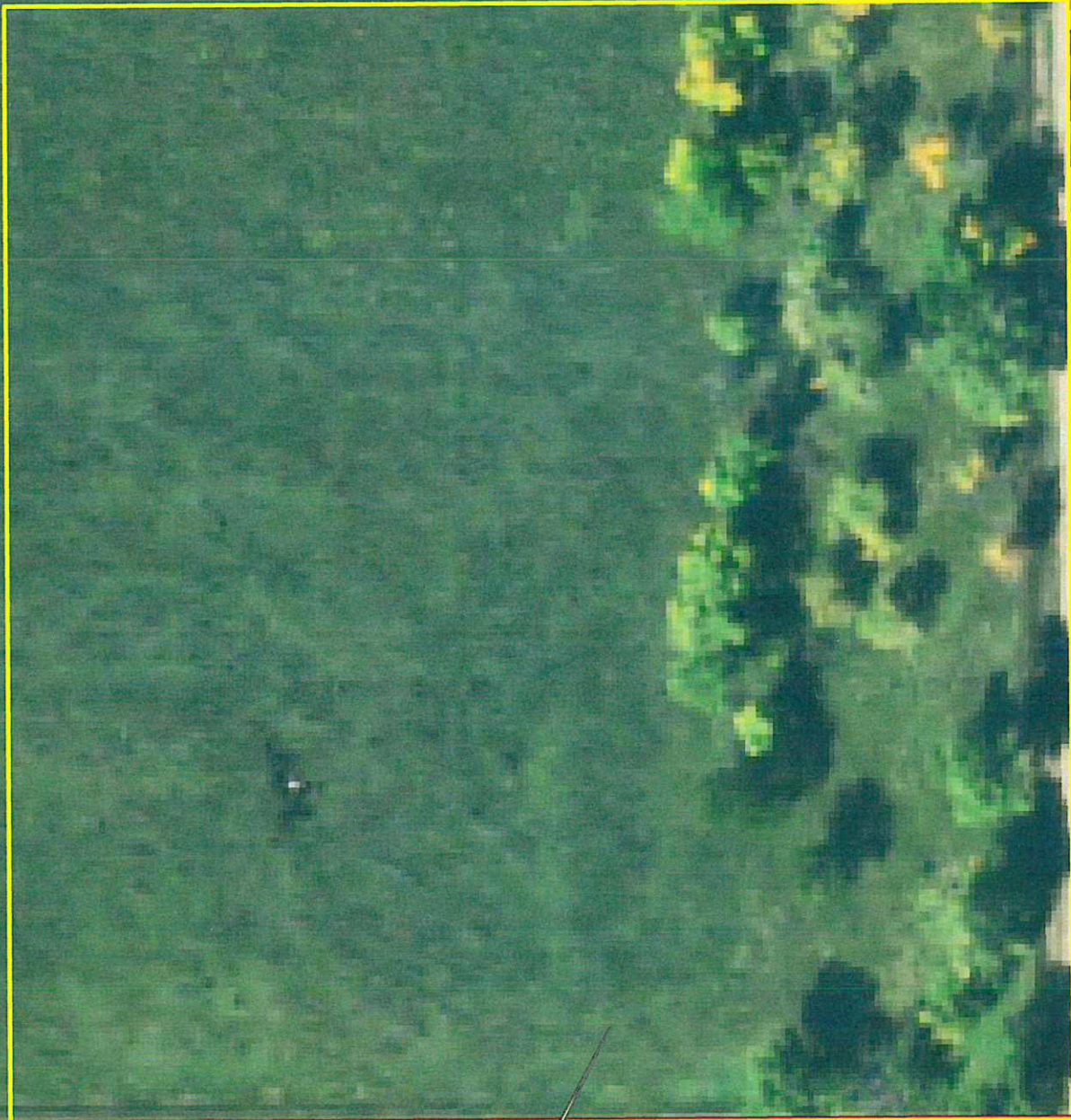
134TH ST

135TH ST

135TH ST



Brown County GIS
(for reference only)



SITE

396TH AVE

