

AGENDA

REGULAR SCHEDULED MEETINGS

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JULY 21, 2020 – 7:00 PM

EAST SIDE of BSMNT COMMUNITY ROOM, BROWN COUNTY COURTHOUSE ANNEX (605) 626-7144
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- 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: JUNE 16, 2020
- IV. Old Business:
- V. New Business: P&Z Commission as Zoning Board of Adjustment (BOA)
 1. Variance for Building Setback in Lake Front Residential District (R-3) described as Lot 18, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127264 W Shore Drive).
 2. Variance for Building Setback in Mini Agricultural District (M-AG) described as "Wahlen's First Subdivision" in the NE1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota (2329 N Brown Co 19).
 3. Variance to Lot Size in Agriculture Preservation District (AG-P) described Lot 1, "Schoen Addition" in the NW1/4 of Section 25-T121N-R64W of the 5th P.M., Brown County, South Dakota (38745 146th Street).
 4. Variance for Lot Frontage in Mini Agricultural District (M-AG) described as Lot 2, "Har-Luke Young Subdivision" in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota (2840 S 5th Street).
 5. Variance for Lot Size in Agriculture Preservation District (AG-P) described as Lot 1, "HAPI 2020-1 Subdivision" in the NE1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (1320 130th Street).
 6. Special Exception/Conditional Use in Mini Agricultural District (M-AG) described as East 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2724 392nd Ave).

MINUTES

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JUNE 16, 2020 - 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 Chairman Jerry Streckfuss (in person). Members of the Brown County Planning Commission present at roll call were Vice Chair Stan Beckler (in person), David North (in person), Dale Kurth (in person), Patrick Keatts (in person), Darwin Bettmann (in person) and B.C. Commissioner Rachel Kippley (in person). Members absent were none. Also present at the meeting was Scott Bader - Planning & Zoning (in person).

This meeting was conducted by the use of the GoToMeeting application due to the Covid-19 Social distancing protocol. Below are the links that were used.

Please join my meeting from your computer, TABLET or smartphone.
<https://global.gotomeeting.com/join/880173861>

You can also dial in using your phone.
United States: +1 (571) 317-3122 Access Code: 880-173-861

After discussion, Kurth moved and Keatts seconded to approve the minutes of the May 19, 2020 meeting. All members voted aye, the motion carried.

Chairman Streckfuss 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, "Lou Jones Subdivision" in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota (12135 391st Ave). Following discussion, North moved for approval

of this variance, Beckler seconded, all members voting aye, motion carried.

2. **Variance to Building Setback** in Lake Front Residential District (R-3) described as Lots 27 & 28 “Raetzman’s Richmond Lake Subdivision” in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (126319 N Bridge Road). Present for this item was Marshall Dorsett. Following discussion, Beckler moved for approval of this variance with the stipulation that the two lots be replated as one, North seconded, all members voting aye, motion carried.
3. **Special Exception/Conditional Use** in a Heavy Industrial District (H-I) described as Lot 2 “S&C Schipke Subdivision of Lot 1 D&S Business Park First Subdivision in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4063 Schipke Lane). Present for this item was Jerrod Kannas and Kyle Kadrmas. Following discussion North moved for approval of the variance. Kurth seconded, all members voting aye, motion carried.
4. **Variance to Building Setback** in a Heavy Industrial District (H-I) described as Lot 2 “S&C Schipke Subdivision of Lot 1 D&S Business Park First Subdivision” in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4063 Schipke Lane). Present for this item was Jarrod Kannas and Kyle Kadrmas. Following discussion, Kurth moved for approval of the variance, Beckler seconded, all members voting aye, motion carried.
5. **Variance to Lot Frontage** in an Agricultural Preservation District (AG-P) described as Lot 1 “Swede Addition in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N 391st Ave). Present for this item was Adam Altman. Following discussion, Kippley for approval of the variance, North seconded, all members voting aye, motion carried.
6. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Lot 1, “Swede Addition” in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N 391st Ave). Present for this item was Adam Altman. Following discussion Kippley moved for approval of the variance, Beckler seconded, all members voting aye, motion carried.

7. **Variance for Approach Separation** in an Agriculture Preservation District (AG-P) described as SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2220 130th Street NW). Present for this item was Jim Thares Following discussion Beckler moved for approval of the variance with the stipulation that a culvert be put in North seconded, all members voting aye, motion carried.
8. **Variance to Building Setback** in Mini Agricultural District (M-AG) described as Janusz Outlot 1" in the SW1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2511 S 385th Ave). Present for this item was Jack Hollingsworth. Following discussion Beckler moved for approval of the variance, Keatts seconded, all members voting aye, motion carried.
9. **Special Exception/Conditional Use** in a Highway Commercial District (HC) described as Lot 1 "Auditors Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281). Present for this item were Matt Vogel and Debra Castles. Following discussion Kippley moved for approval of the special exception/conditional use, Bettman seconded, all members voting aye, motion carried.
10. **CAFO Ordinance changes/updates** for Brown County. Present for this item were Troy Malsam, Terry Leonhardt, Tanya Torgeson, Jeff Wolff, Dave Nilsson and James Meyers. Following discussion this item was continued to the July meeting.

Other Business:

*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*

20. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 1 “Gerald and Gail Struck Addition” in the NE1/4 of Section 9-T124N-R64W of the 5th P.M., Brown County, South Dakota (12501 385th Ave). Submitted by Gerald Struck. Following discussion, Beckler moved to **recommend approval of this rezone to the Board of County Commissioners**, Keatts seconded, all members voting aye, motion carried.
21. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 1 “Prairie Hill Farms First Subdivision” in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 130th Street NW). Submitted by Jim Thares. Following discussion, North moved to **recommend approval of this rezone to the Board of County Commissioners**, Kurth seconded, all members voting aye, motion carried.
22. **Preliminary and Final Plat** for a property described as Lot 1 “Lou Jones Subdivision” in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota (12135 391st Ave). Submitted by Lucian Jones. Following discussion, Beckler moved to **recommend approval of this plat to the Board of County Commissioners**, seconded by North, all members voting aye, motion carried.
23. **Preliminary and Final Plat** for a property described as Lot 1&2 “Prairie Hill Farms First Subdivision” in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 & 2134 130th Street NW). Submitted by Jim Thares. Following discussion, Beckler moved to **recommend approval of this plat to the Board of County Commissioners**, seconded by Keatts, all members voting aye, motion carried.
24. **Preliminary and Final Plat** for a property described as Lot 1 “Swede Addition” in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N 391st Ave). Submitted by Todd Hanson. Following discussion, Beckler moved to **recommend approval of this plat to the Board of County Commissioners, with the stipulation the plans for the bins be presented to the County Commissioners during their meeting**, seconded by North, all members voting aye, motion carried.

25. **Preliminary and Final Plat** for a property described as Lot 1 “Sherry Schlosser Subdivision” in the NW1/4 of Section 5-T126N-R63W of the 5th P.M., Brown County, South Dakota (38909 112th Street). Submitted by Sherry Schlosser. Following discussion, North moved to **recommend approval of this plat to the Board of County Commissioners**, seconded by Bettmann, all members voting aye, motion carried.
26. **Preliminary and Final Plat** for a property described as Lot 1&2 “Bellikka Second Subdivision” in the SW1/4 of Section 28-T124N-R64W of the 5th P.M., Brown County, South Dakota (38424 & 38428 129th Street). Submitted by Neil Bellikka. Following discussion, Kurth moved to **recommend approval of this plat to the Board of County Commissioners**, seconded by North, 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, and all members voting aye, motion carried.

Submitted by: Nancy Clark North - Planning & Zoning Department.

STAFF REPORT
July 21, 2020

VARIANCE FOR BUILDING SETBACKS IN R-3

ITEM # 01

GENERAL INFORMATION

PETITIONER	Roger Cooper
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot 18, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	127264 W. Shore Dr.
EXISTING ZONING	Lake Front Residential District (R-3)
SURROUNDING ZONING	
North:	Lake Front Residential District (R-3)
South:	Lake Front Residential District (R-3)
East:	Water (AG-P2)
West:	Mini Ag District (M-AG)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for a 10' setback from the west property line rather than the 30' required in a Lake Front Residential District (R-3) for a 22' x 26' garage. A variance for 3' from property line approved for the neighbor to the south.

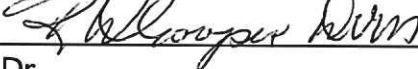
REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 9, 2020
RECEIPT # 140038
TOWNSHIP: Ravinia Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 6/10/2020

OWNERS SIGNATURE: Roger Cooper 
OWNERS ADDRESS: 127264 W. Shore Dr
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-228-4082

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

REQUEST: Variance to Setbacks in a R-3 District to be 10' from the west property line rather than the 30' required for a 22' x 26' garage.

LEGAL DESCRIPTION: Lot 18, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 **TIME:** 7:00pm

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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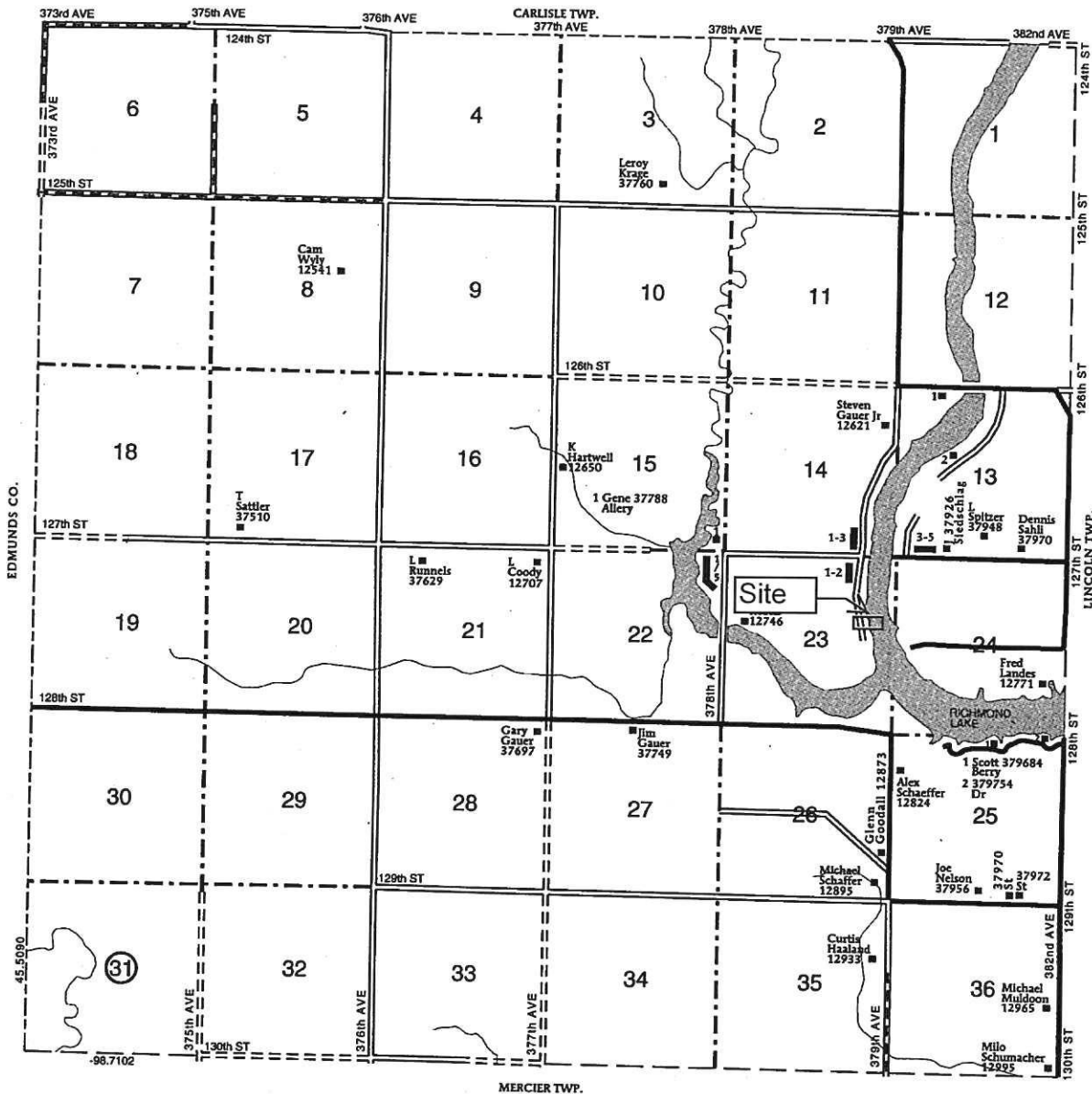
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T-124-N

RAVINIA DIRECTORY

(Residents - Owners or Renters)

R-65-W



RAVINIA TOWNSHIP

SECTION 13

- 1 Kirchgiesler, 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

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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Lake Front Residential District (R-3).

Petitioner / Owner: Roger Cooper

Description of property: Lot 18, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127264 W Shore Drive).

Reason: Petitioner would like a Variance to Setbacks in a Lake Front Residential District (R-3) to be 10' from the west rear property line rather than 30' required for a proposed 22' x 26' garage.

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

Dated this 8th day of July 2020

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 _____.

*Brown County GIS Map
(for reference only)*

25552

29785

29773

29772

19594

ROAD ROW

19593

19592

Cooper cabin

26449

19591

WATER

19590

25553

19589

19824



19588

25554

*Brown County GIS Map
(for reference only)*

127216 SHORE DR W

127227 SHORE DR W

0

127228 SHORE DR W

127277 SHORE DR W

0

Cooper cabin

0

127264 SHORE DR W

0

0

127298 SHORE DR W

127327 SHORE DR W



STAFF REPORT
July 21, 2020

VARIANCE FOR BUILDING SETBACKS IN M-AG

ITEM # *02*

GENERAL INFORMATION

PETITIONER	Zach Rathert
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	“Wahlen’s First Subdivision” in the NE1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	2329 N. Brown Co. 19
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Heavy Industrial District (H-I)
East:	Mini-Agriculture District (M-AG)
West:	Heavy Industrial District (H-I)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for a 25’ setback from the north side property line rather than the 100’ required in a Mini-Agriculture District (M-AG) for a new 40’ x 80’ house. Previous house was destroyed by fire.

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 22, 2020
RECEIPT # 140071
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES / NO / CHK / CASH
DATE: 7-2-20

OWNERS SIGNATURE: Zach Rathert *Zach Rathert by Caissa Rathert*
OWNERS ADDRESS: 2329 N. Brown Co. 19
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-252-0553

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

REQUEST: Variance to Setbacks in an M-AG District to be 25' from the north side property line rather than the 100' required for a new 40' x 80' house.

LEGAL DESCRIPTION: "Wahlen's First Subdivision" in the NE1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: July 21, 2020 **TIME:** 7:00pm

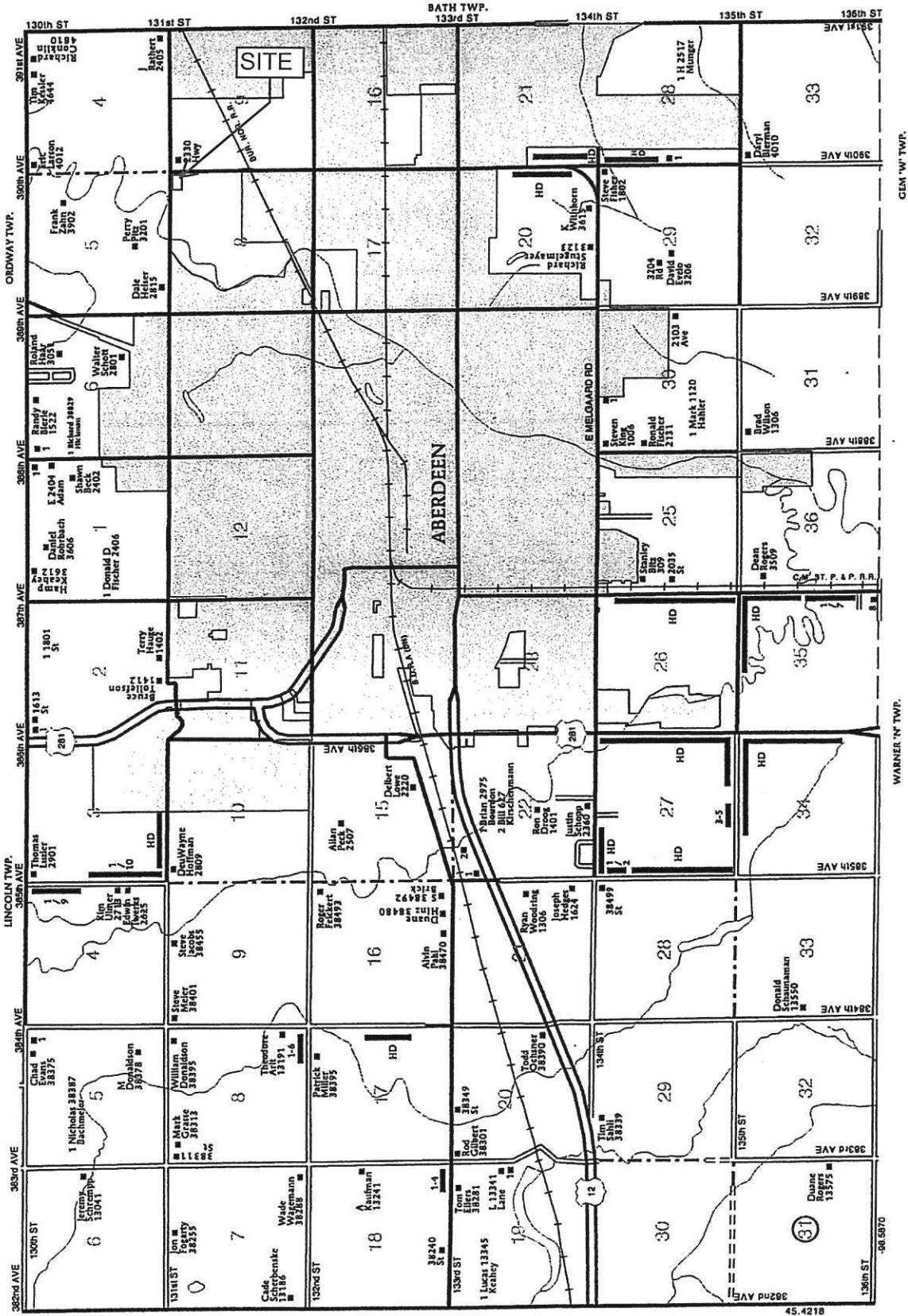
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-123-N

ABERDEEN DIRECTORY

(Residents - Owners or Renters)

R-63-64-W



BATH TWP.

MERCIER TWP.

GEN. W. TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Mini-Ag District (M-AG).

Petitioner / Owner: Zach Rathert

Description of property: "Wahlen's First Subdivision" in the NE1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota (2329 N. Brown Co. 19).

Reason: Petitioner would like a Variance to Setbacks in a Mini-Agriculture District (M-AG) to be 25' from the north side property line rather than 100' required for a proposed new house.

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

Dated this 8th day of July 2020

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

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3611 24TH AVE NE

4317 24TH AVE NE

New 40 x 80 House

15

24TH AVE NE

54
819

24TH AVE NE

ROAD ROW

2329 BROWN CO 19 N
4903

19

2330 BROWN
CO 19 N
4924

2011 BROWN CO 19 N

N BROWN CO 19

4051 SCHIPKE LN
4923

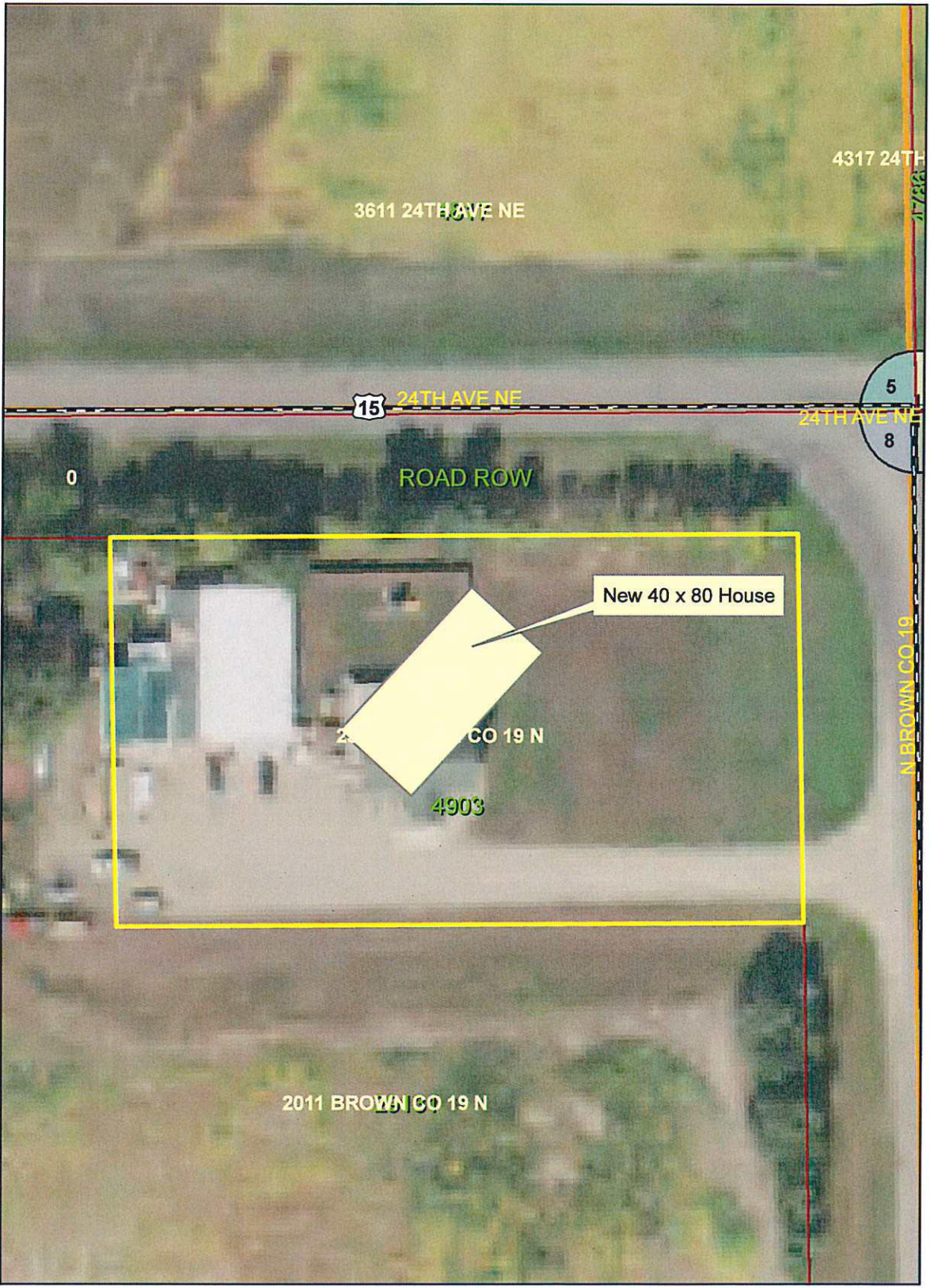
2992

SCHIPKE LN

19

4050 SCHIPKE LN
2807

4926 2020
BROWN
CO 19



3611 24TH AVE NE

4317 24TH AVE NE

15 24TH AVE NE

24TH AVE NE

ROAD ROW

New 40 x 80 House

2011 BROWN CO 19 N

4903

2011 BROWN CO 19 N

N BROWN CO 19

5

8

0

STAFF REPORT
June 16, 2020

VARIANCE FOR LOT SIZE IN AG-P

ITEM # 03

GENERAL INFORMATION

PETITIONER	Rodney Schoen
REQUEST	Variance for Lot Size
LEGAL DESCRIPTION	Lot I, "Schoen Addition" in the NW1/4 of Section 25-T121N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	38745 146 th Street
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 a Variance to Lot Size for Lot I, "Schoen Addition" zoned (AG-P) to allow this lot to be less than the 40 acres (1.92 acres) and stay zoned (AG-P) using Chapter 4.0605.1 "Farm Unit".

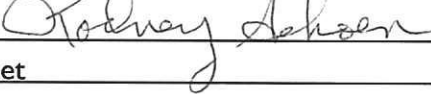
REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 22, 2020
RECEIPT # 140077
TOWNSHIP: Warner Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 7-6-20

OWNERS SIGNATURE: Rodney Schoen 
OWNERS ADDRESS: 38745 146th Street
OWNERS CITY, STATE, ZIP: Mansfield, SD 57460
OWNERS PHONE: 605-225-3825

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

REQUEST: Variance to Lot 1 to 1.92 acres rather than the required 40 acres in an
Agriculture Preservation District (AG-P) per Chapter 4.0605 "Farm Unit".

LEGAL DESCRIPTION: Lot 1, "Schoen Addition" in the NW1/4 of Section 25-T121N-R64W
of the 5th P.M., Brown County, South Dakota

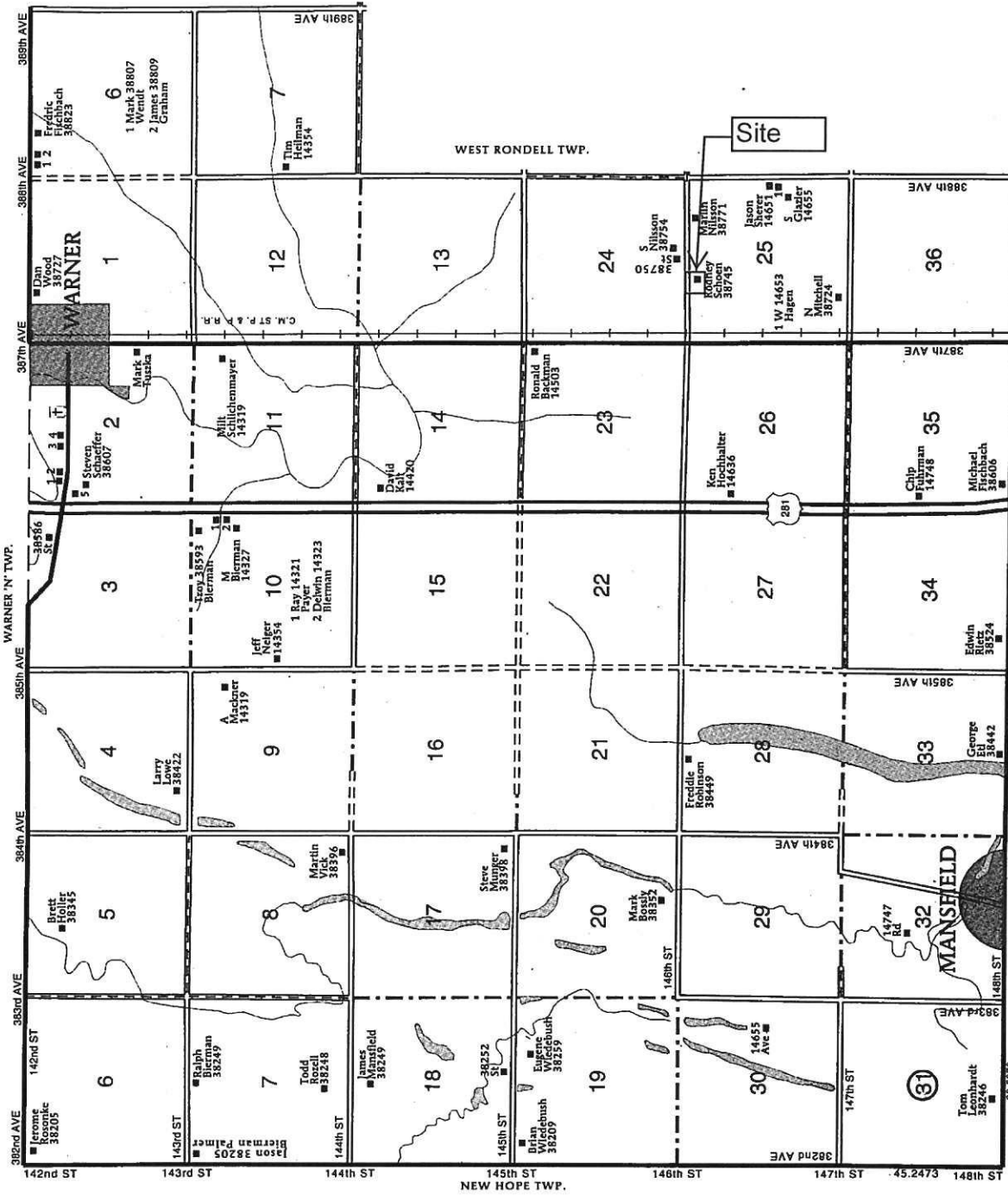
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 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

(Residents - Owners or Renters)



- WARNER 'S' TOWNSHIP**
SECTION 2
 1 Christenson, Doug 38614
 2 Roberts, Dan 38616
 3 Gascoigne, Steve 38626
 4 Buechler, Jerold 38632
 5 Green, Tom 38605

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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Rodney Schoen

Description of property: Lot 1, "Schoen Addition" in the NW1/4 of Section 25-T121N-R64W of the 5th P.M., Brown County, South Dakota (38745 146th Street).

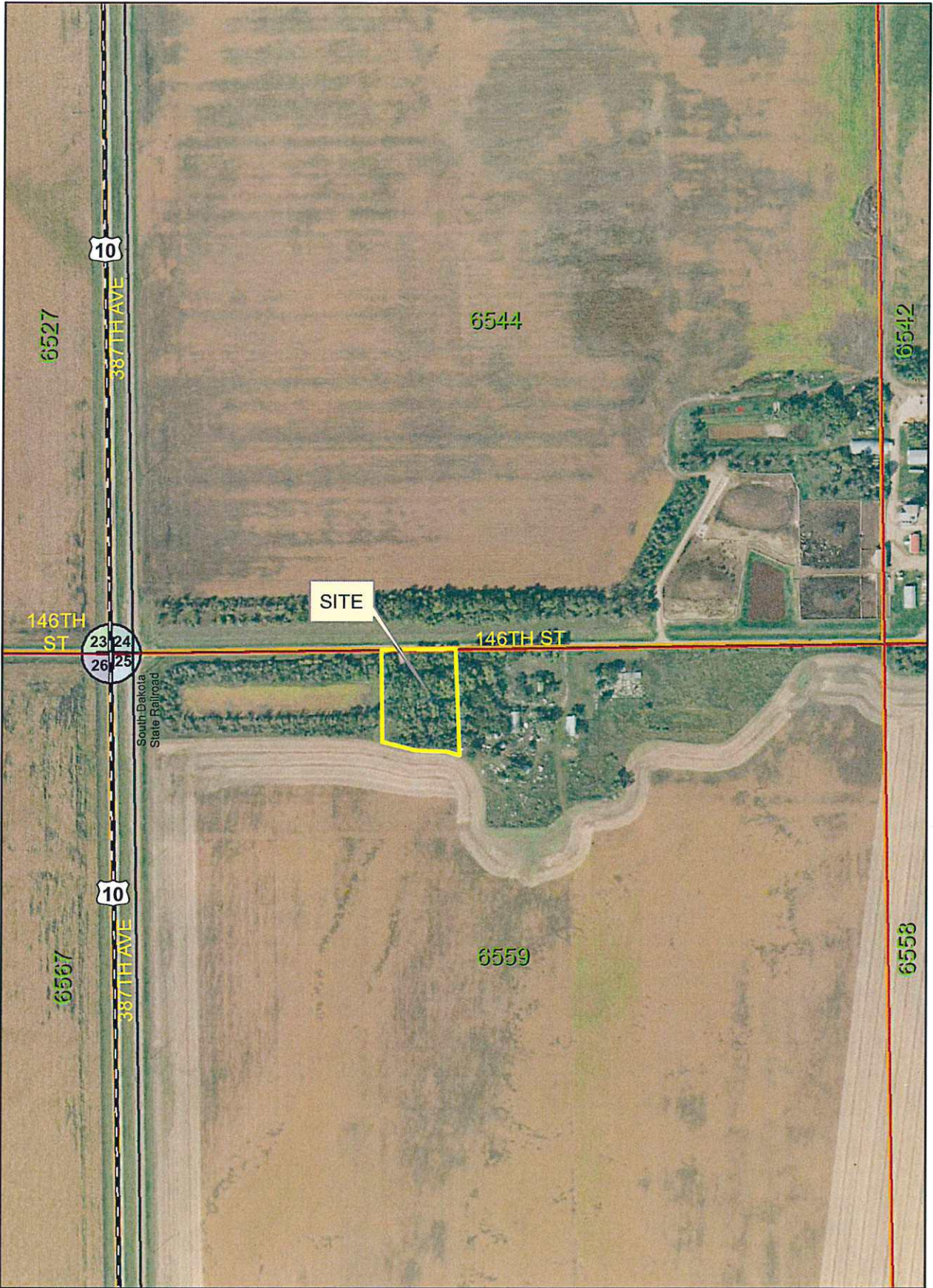
Reason: Petitioner would like a Variance to Lot Size in an AG-P District to be less than the 40 acres required for financial purposes.

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

Dated this 8th day of July 2020

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 _____.



6527

6544

6542

146TH ST

146TH ST

SITE

10

10

387TH AVE

387TH AVE

South Dakota
State Railroad

23
24
25
26

6567

6559

6558



PLAT SHOWING
SCHOEN ADDITION
 IN THE NW1/4 OF SECTION 25,
 TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Rodney Schoen and Jill Schoen, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of the Northwest Quarter (NW1/4) of Section Twenty-Five (25), Township One Hundred Twenty-One (121) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "SCHOEN ADDITION IN THE NW1/4 OF SECTION 25, TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Owners:

 Rodney Schoen

Signed this _____ day of _____, 2020.

 Jill Schoen

Signed this _____ day of _____, 2020.

COUNTY OF _____)
 STATE OF _____) SS

On this the _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Rodney Schoen and Jill Schoen, husband and wife, as joint tenants with right of survivorship and not as tenants in common, known to me or satisfactorily proven to be the persons whose names Rodney Schoen and Jill Schoen, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

 Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "SCHOEN ADDITION IN THE NW1/4 OF SECTION 25, TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 12th day of JUNE, 2020.



TOWNSHIP HIGHWAY APPROVAL

"Access to 146th STREET is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020.

 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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 _____, 2020.

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SCHOEN ADDITION IN THE NW1/4 OF SECTION 25, TOWNSHIP 121 NORTH, RANGE 64 WEST 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 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SCHOEN ADDITION IN THE NW1/4 OF SECTION 25, TOWNSHIP 121 NORTH, RANGE 64 WEST 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."

PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE

PLAT SHOWING
SCHOEN ADDITION
IN THE NW1/4 OF SECTION 25,
TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

Signed this ____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this ____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this ____ day of _____, 2020, at ____ O'clock __ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

now

IMEG

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE

STAFF REPORT
July 21, 2020

VARIANCE FOR LOT FRONTAGE IN M-AG

ITEM # 04

GENERAL INFORMATION

PETITIONER	Harlan Young
REQUEST	Variance for Lot Frontage
LEGAL DESCRIPTION	Lot 2, "Har-Luke Young Subdivision" in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2840 S 5 th Street
EXISTING ZONING	Mini Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Mini Agriculture District (M-AG)
South:	Mini Agriculture District (M-AG)
East:	Agriculture Preservation District (H-C)
West:	Mini Agriculture District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for 130' frontage width rather than the required 200' by Chapter 4.0605


REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 22, 2020
RECEIPT # ~~18034~~ 140081
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 7-7-20

OWNERS SIGNATURE: Harlan Young 
OWNERS ADDRESS: 2904 5th Street S
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-7130

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

REQUEST: Variance to lot frontage to be 130' rather than the required 200' in a Mini-Agriculture District

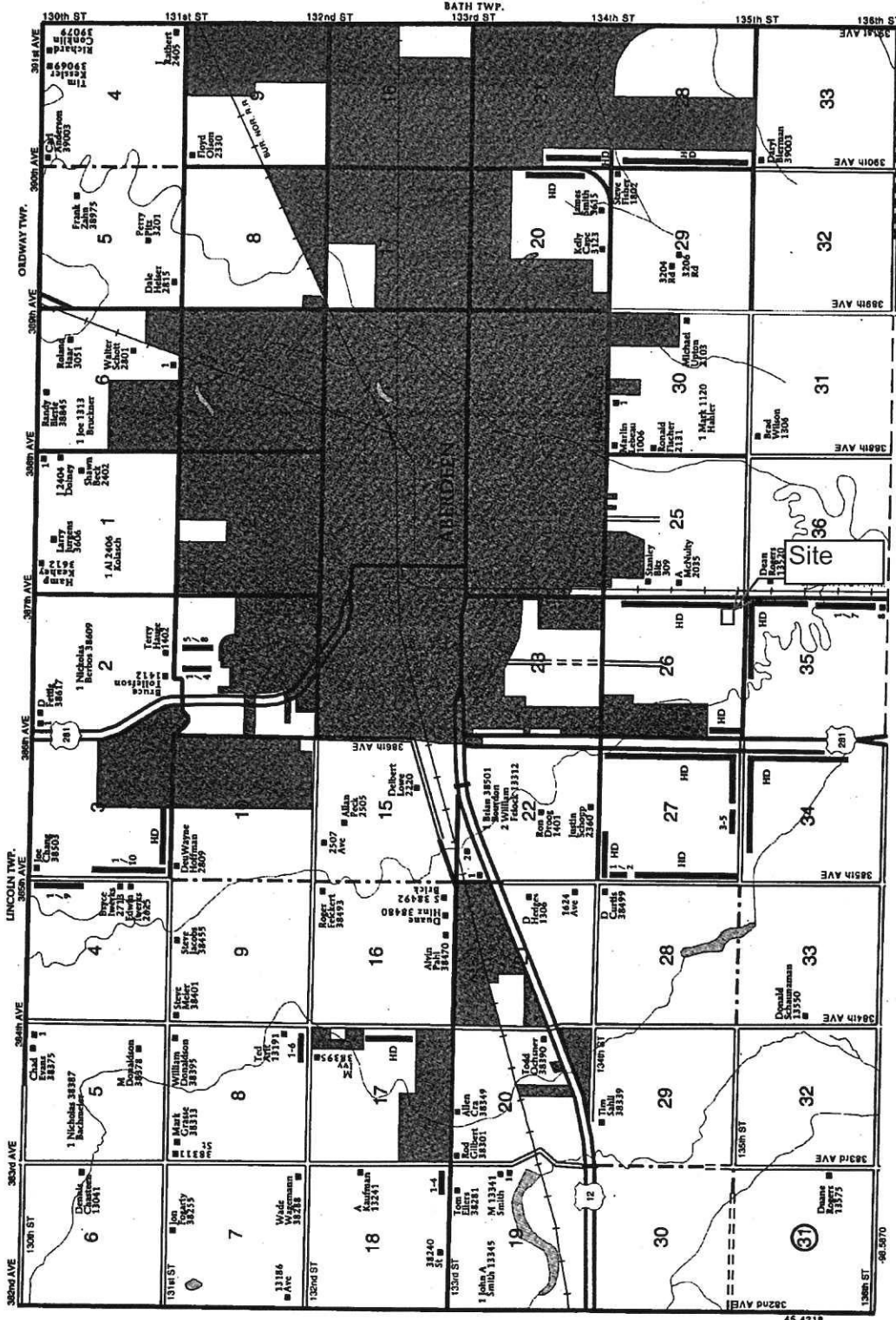
LEGAL DESCRIPTION: Lot 2, "Har-Luke Young First Subdivision" in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 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



- ABERDEEN TOWNSHIP**
- SECTION 3**
- 2724
 - Smith, Douglas 2716
 - Heintzman, Rob 2708
 - 2822
 - Moser, Kevin 3221
 - Senel, Jeff 2810
 - Zacher, Leland 2602
 - Emery, T 2538
- SECTION 4**
- 2504
 - Bossert, Curt 2422
 - Bollwerk, Donald 2402
 - Blakes Bruce 2229
 - Moser, Kevin 3221
 - Vandervoort, Corey 3213
 - Goehring, Lareu 3205
 - Dylanna, Clay 3133
- SECTION 5**
- Fisher, Paul 3125
 - Reitzel, Fred 3105
 - Newman, Mary 3021
 - Hubschaga, Arnold 2815
 - Brzzezinski, Thomas
 - Felckert, David 36382
 - Darling, Roger 28388
- SECTION 6**
- Streiter, Steve 38380
 - Bliz, Robert 38362
 - Zimmer, Kyle 38396
 - Larson, Dan 2329
 - Kokales, Joe 2327
 - Lipp, Leon 2325
 - Conrads, D 2323
 - Reitner, Robert 2320
- SECTION 7**
- Hilgemann, Bryon 2328
 - Mauritzen, John 2324
 - Voiska, Dennis 2322
 - Eichinger, John 38280
 - Dahme, Art 38282
 - Wherry, Laver 38290
 - Drels, K 38296
- SECTION 8**
- Thrash, Peter 13551
 - Swanson, Erlean 13569
 - Boeddeker, William
 - 13573
 - Robinson, Randall 13575
 - Rahn, Marion 13578
 - Schroth, Joseph 13583
 - Fredrickson, Dale 38692
- SECTION 27**
- 1805
 - Paulsen, William 1823
 - Aberle, Arthur 38548
 - Schwan, Christopher
 - 38554
 - Forsel, Raymond 38558
 - Brate, Bred 13555
- SECTION 18**
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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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Frontage in a Mini Agriculture District (M-AG).

Petitioner / Owner: Harlan Young

Description of property: Lot 1, "Har-Luke Young First Subdivision" in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota (2840 S 5th Street).

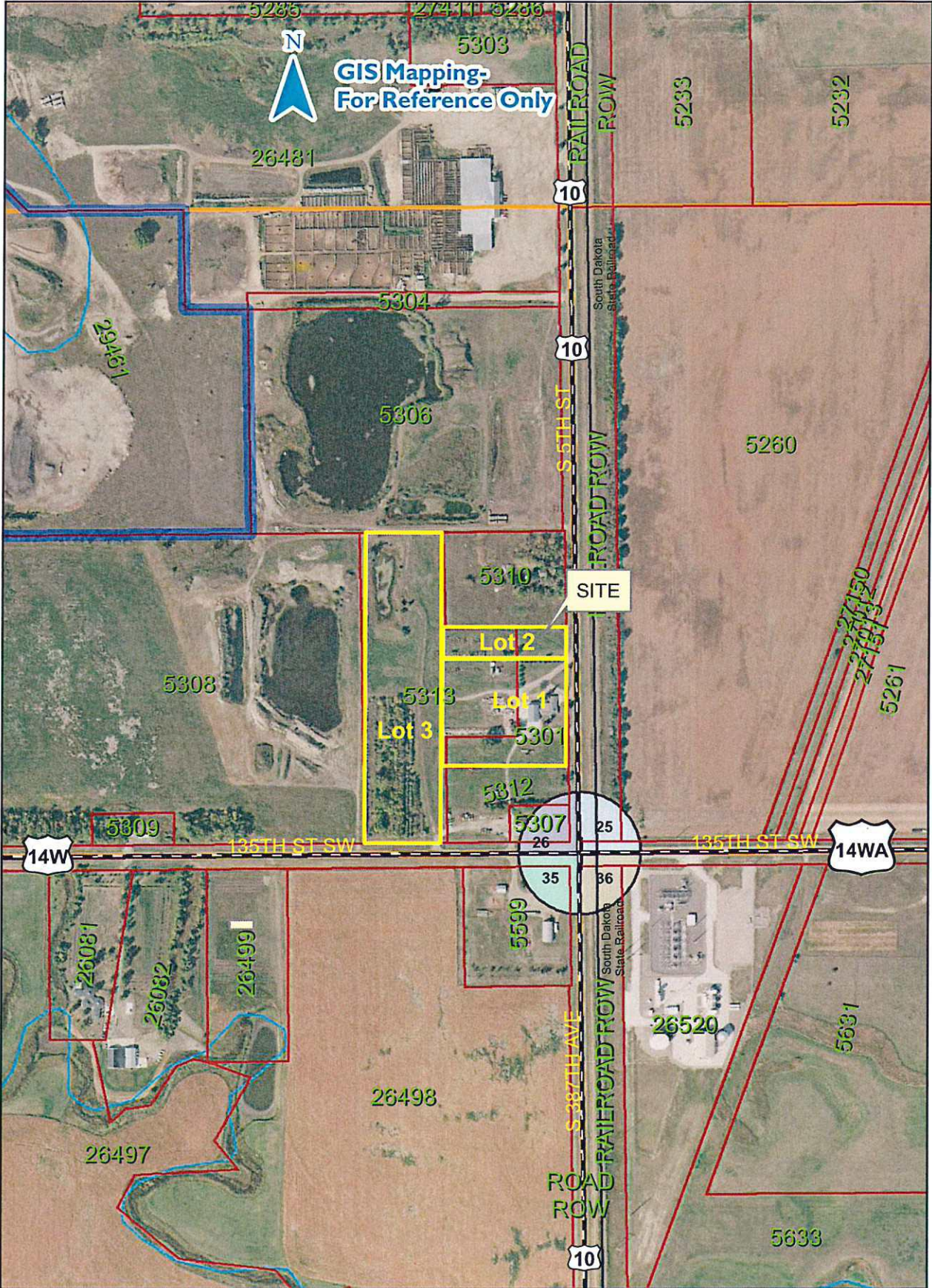
Reason: Petitioner would like a Variance to Lot Frontage in a M-AG District to be 130' wide rather than the 200' required.

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

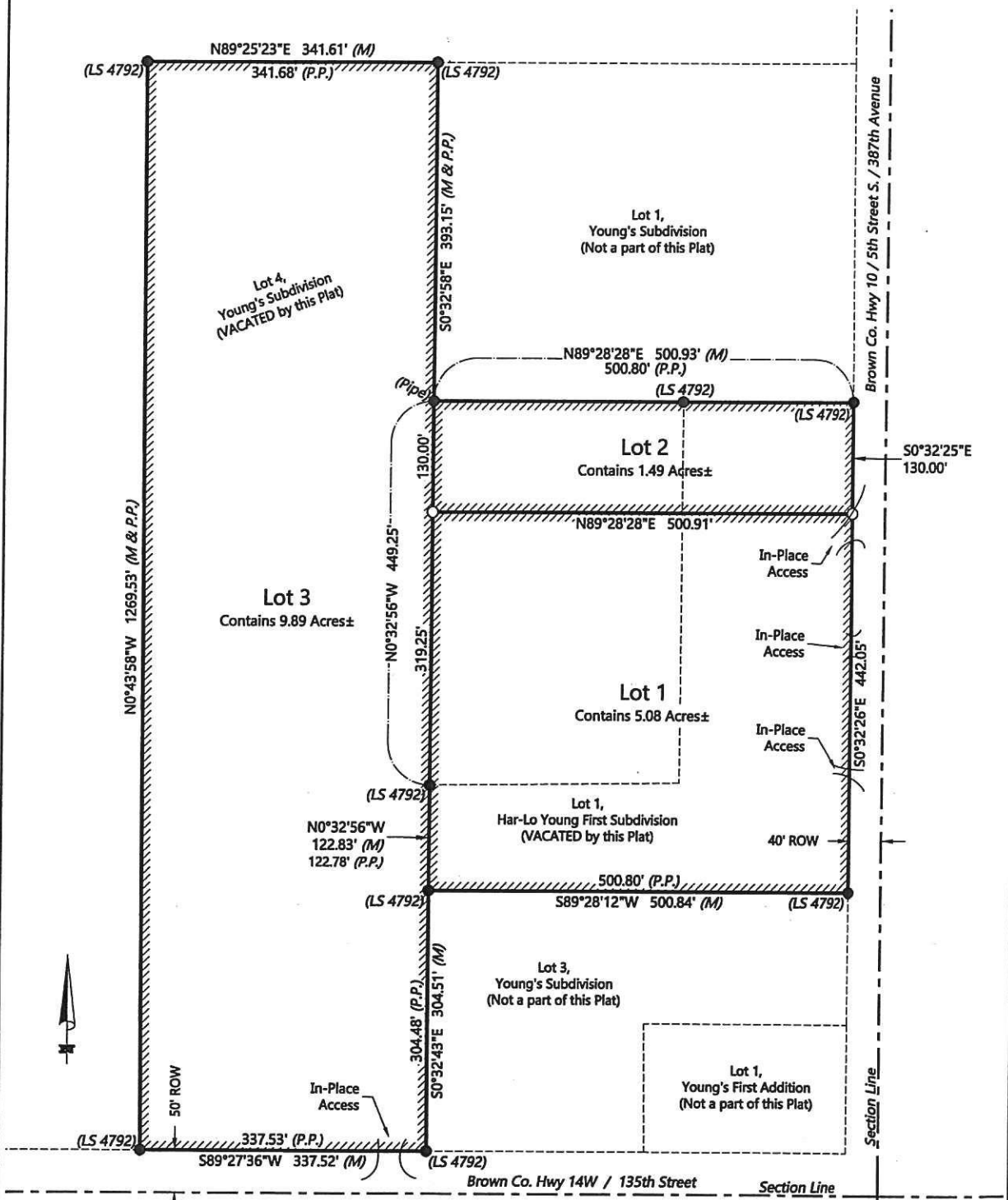
Dated this 8th day of July 2020

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 _____.



PLAT SHOWING
HAR-LUKE YOUNG FIRST SUBDIVISION
 IN THE SE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - (M) MEASURED DISTANCE
 - (P.P.) PREVIOUSLY PLATTED DISTANCE

BASIS OF BEARINGS
 State Plane Grid
 South Dakota North Zone (4001)
 NAD '83 (2011) US Survey Feet
 Distances are GROUND

PREPARED BY:

CLARK ENGINEERING now **IMEG**

3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433 EOE



PLAT SHOWING
HAR-LUKE YOUNG FIRST SUBDIVISION
IN THE SE1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Harlan David Young a.k.a. Harlan D. Young, do hereby certify that I am the owner of Lot 1, Har-Lo Young First Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Harlan David Young a.k.a. Harlan D. Young, do hereby VACATE Lot 1, Har-Lo Young First Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on September 19, 2007 at 11:00 A.M. and duly recorded as Hanging Plat No. 2352H.

Owner:

Harlan David Young, a.k.a. Harlan D. Young

Signed this _____ day of _____, 2020.

COUNTY OF _____)
STATE OF _____) SS

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Harlan David Young a.k.a. Harlan D. Young, known to me or satisfactorily proven to be the persons whose name Harlan David Young a.k.a. Harlan D. Young, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public

OWNER'S CERTIFICATE

We, the Don Young Real Estate Limited Partnership, a South Dakota limited partnership (an undivided one-half interest), and Harlan Young (an undivided one-half interest), do hereby certify that we are the owners of Lot 4, Young's Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, we, the Don Young Real Estate Limited Partnership, a South Dakota limited partnership, and Harlan Young, do hereby VACATE Lot 4, Young's Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on June 1, 1999 at 8:01 A.M., and duly recorded in Book of Plats No. 18, on Page 1338E therein.

Owner: The Don Young Real Estate Limited Partnership, a South Dakota limited partnership

Print Name and Title

Signature

Signed this _____ day of _____, 2020.

Owner: Harlan Young

Signature

Signed this _____ day of _____, 2020.

COUNTY OF _____)
STATE OF _____) SS

On this _____ day of _____, 2020, before me, a notary public, the undersigned officer, personally appeared _____, who acknowledge himself/herself to be the _____, of The Don Young Real Estate Limited Partnership, a South Dakota limited partnership, and that he/she as such _____, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the corporation by himself/herself as _____.

My Commission Expires: _____

Notary Public

Note - Notary for Harlan Young is on Page 3 of 3

PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE

PLAT SHOWING
HAR-LUKE YOUNG FIRST SUBDIVISION

IN THE SE1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Harlan Young known to me or satisfactorily proven to be the person whose name Harlan Young, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 12th day of JUNE, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HWY 10 / 5th STREET S. / 387th AVENUE AND BROWN COUNTY HWY 14W / 135th STREET is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020.

Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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 _____, 2020.

Secretary of County Planning Commission
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST 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 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST 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 lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this _____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2020, at _____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE

STAFF REPORT
July 21, 2020

VARIANCE FOR LOT SIZE IN AG-P

ITEM # 05

GENERAL INFORMATION

PETITIONER	Randy Bierle
REQUEST	Variance for Lot Size
LEGAL DESCRIPTION	Lot 1, "HAPI 2020-1 Subdivision" in the NE1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	1320 130 th Street NE
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Mini Agriculture District (M-AG)
East:	Residential District (R-1)
West:	Mini Agriculture District (M-AG)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for Lot 1, "HAPI 2020-1 Subdivision" zoned (AG-P) to allow this lot to be less than the 40 acres (31.65 acres) and stay zoned (AG-P) for future development.

REVIEW: Staff has reviewed this request and recommends approval.


BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 23, 2020
RECEIPT # 146066
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 6-30-20

OWNERS SIGNATURE: Randy Bierle
OWNERS ADDRESS: 15221 130th Street NE
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____

AGENTS SIGNATURE: HAPI 
AGENTS ADDRESS: 320 S Main Street
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-225-4274

REQUEST: Variance to lot size for less than 40 acres (31.65 acres) to remain zoned AG-P
for future development.

LEGAL DESCRIPTION: Lot 1, HAPI 2020-1 Subdivision in the NW1/4 of the NE1/4 of
Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

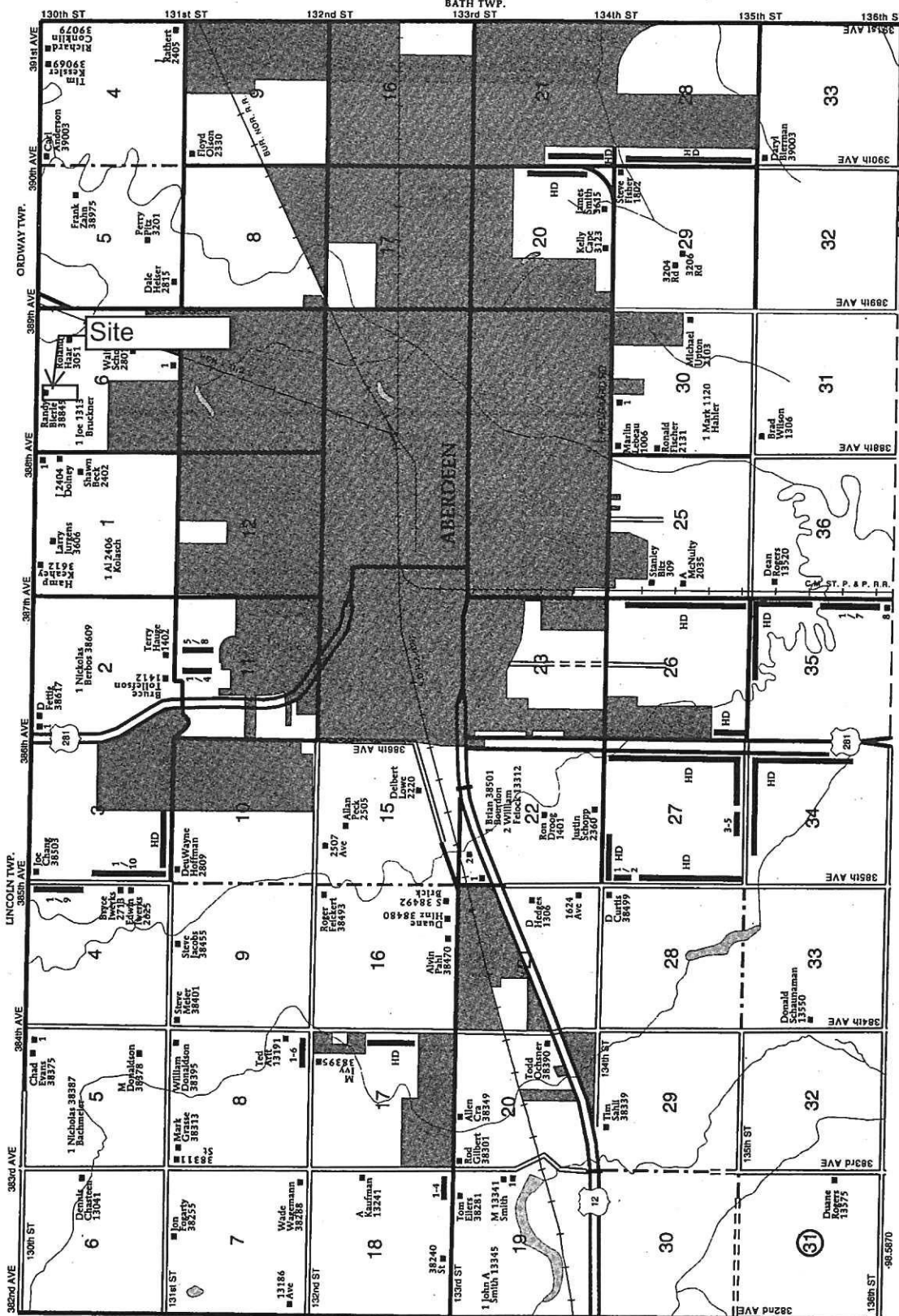
HEARING DATE: July 21, 2020 TIME: 7:00 pm

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

(Residents - Owners or Renters)



MERCIER TWP.

45.4218

GEM 'W' TWP.

WARNER 'N' TWP.

ABERDEEN TOWNSHIP

- SECTION 3**
 1 2724
 2 Smith, Douglas 2716
 3 Heintzman, Rob 2708
 4 Moser, Bruce 3229
 5 Senst, Jeff 2610
 6 Zacher, Leland 2602
 7 Emery, T 2536

- SECTION 27**
 1 1805
 2 Paulsen, William 1823
 3 Aberle, Arthur 38548
 4 Schwan, Christopher
 5 Robinson, Randall 13575
 6 Rahm, Marion 13579
 7 Schroh, Joseph 13593
 8 Fredrickson, Dale 38692

- SECTION 35**
 1 38554
 2 Forkel, Raymond 38556
 3 Dean, Brad 13555

- SECTION 18**
 1 Nicholas, Bryon 2328
 2 Maurtztson, John 2324
 3 Volzke, Dennis 2322

- SECTION 11**
 1 Strelter, Steve 38390
 2 Bltz, Robert 38392
 3 Zimmerman, Kyle 38396

- SECTION 8W**
 1 Fisher, Paul 3125
 2 Reziarff, Fred 3105
 3 Newman, Mary 3021

- SECTION 4W**
 1 Blabee, Bruce 3229
 2 Moser, Kevin 3221
 3 VanderHoek, Corey 3213
 4 Goehring, Lareu 3205
 5 Dykema, Clay 3133

- SECTION 18**
 1 Larson, Dan 2329
 2 Kokales, Joe 2327
 3 Lipp, Leon 2325
 4 Conrads, D 2323
 5 Rotzer, Robert 2330

- SECTION 35**
 1 38554
 2 Forkel, Raymond 38556
 3 Dean, 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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Randy Bierle

Description of property: Lot 1, "HAPI 2020-1 Subdivision" in the NE1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (1320 130th St NE).

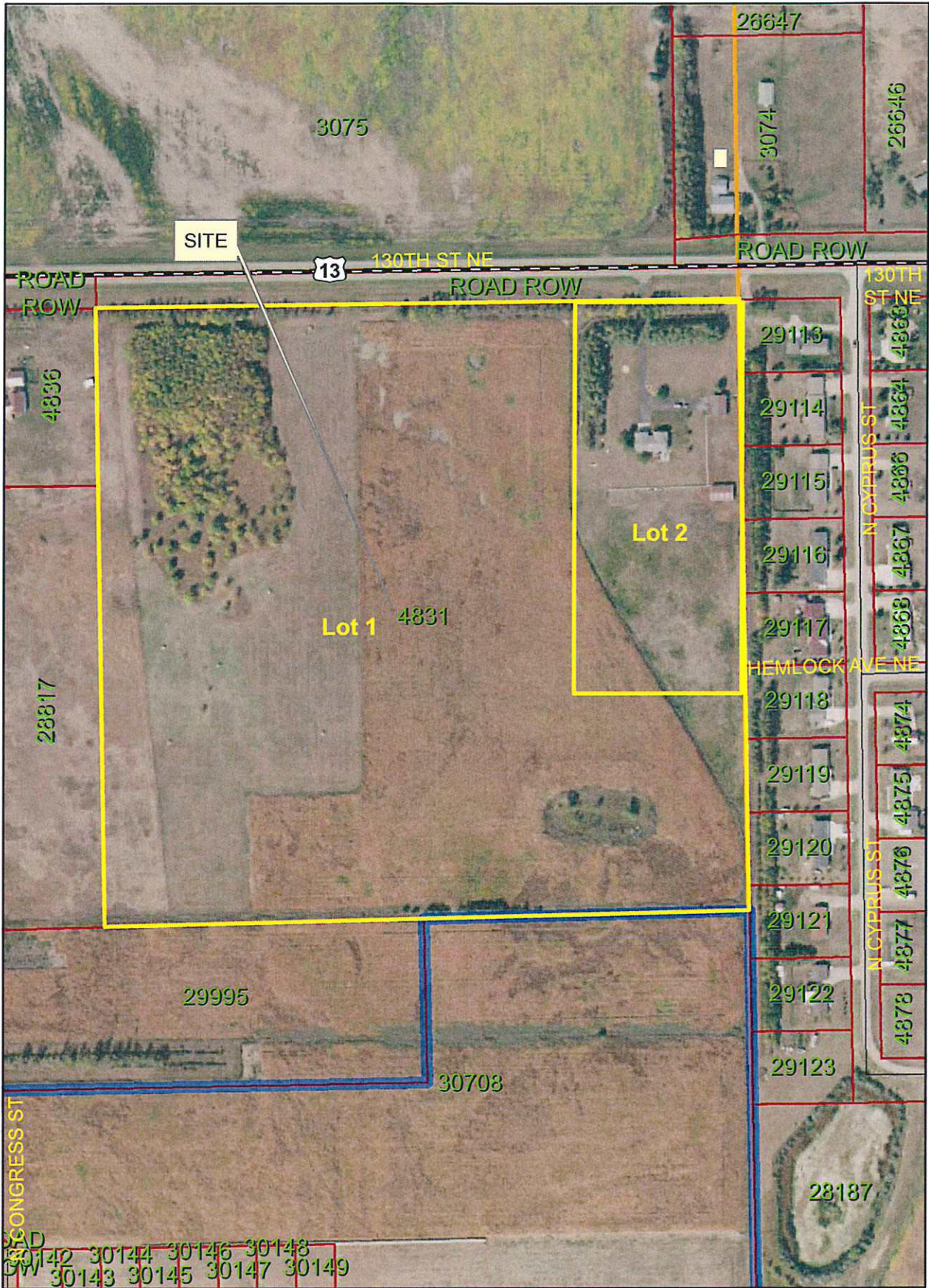
Reason: Petitioner would like a Variance to Lot Size in an AG-P District to be less than the 40 acres required for future development.

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

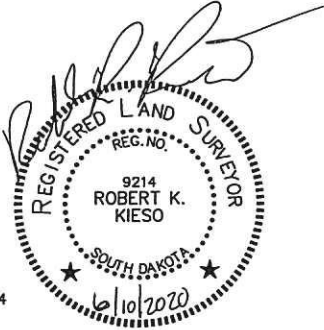
Dated this 8th day of July 2020

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 _____.



PLAT OF HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

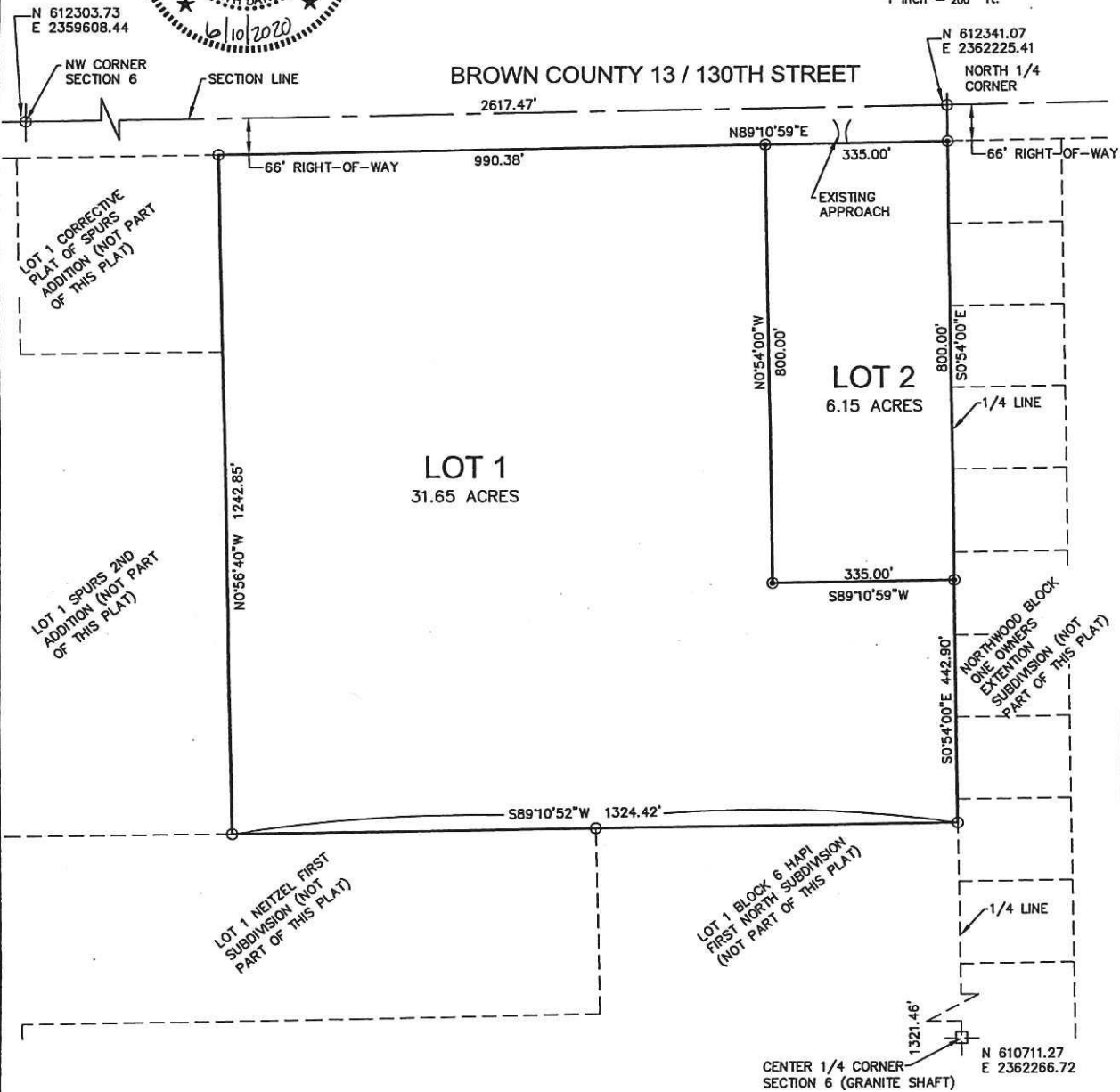
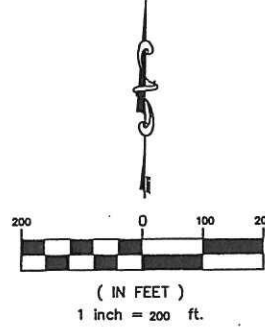


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011)
DISTANCES ARE GROUND



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
HAPI 2020-1 SUBDIVISION
IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF RANDY R. BIERLE AND JANELLE A. BIERLE AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 19, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 10th DAY OF June 20 20


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE 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; HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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____

PREVIOUSLY DESCRIBED AS: NE 1/4 NW 1/4 OF SECTION
6-T123N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

RANDY R. BIERLE

JANELLE A. BIERLE

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RANDY R. BIERLE AND JANELLE A. BIERLE KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY 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: _____

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 HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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
HAPI 2020-1 SUBDIVISION
IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 IN HANGING PLATS NO. _____.

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

STAFF REPORT
July 21, 2020

Spec Exc/Conditional Use for Business

ITEM # 06

GENERAL INFORMATION

PETITIONER	Cory Foley
REQUEST	Special Exception/Conditional Use for a business in a Mini-Ag District (M-AG).
LEGAL DESCRIPTION	E 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2724 392 nd Ave
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a concrete, masonry and equipment business in a Mini-Agriculture District (M-AG).

REVIEW: Staff is requiring an “*efficiency living area*” with a bathroom, kitchen and bedroom in the proposed shop building. They don’t need a separate house on-site to meet Ordinance for Principal Structure.

1. Do you plan on building a home on site anytime in the future?
2. They are allowed a small “wall sign” above walk-in door
3. A “free-standing” sign requires submittal to Zoning Board.
4. Staff does not recommend free-standing sign for advertising a business in residential area. This is not a Commercial District
5. Yard must be kept clean and orderly at all times with minimal items sitting outside in the yard that pertain to the business.
6. Will there be any equipment stored outside & how much?

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 06/10/2020
RECEIPT # 140076
TOWNSHIP: Bath Twp

FEES: 200.00
PAID: YES/NO CHK/CASH
DATE: 6-6-20

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

AGENTS SIGNATURE: Cory w Foley Cory w Foley
AGENTS ADDRESS: 11412 389th Ave Fredrick SD 57441
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: 605-290-5448

REQUEST: Special Exception/Conditional use for a business in a Mini-Ag District (M-AG)

LEGAL DESCRIPTION: E 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R63W
of the 5th P.M., Brown County, South Dakota

SIGNATURE: _____

Planning Commission Action: Approved / Denied _____

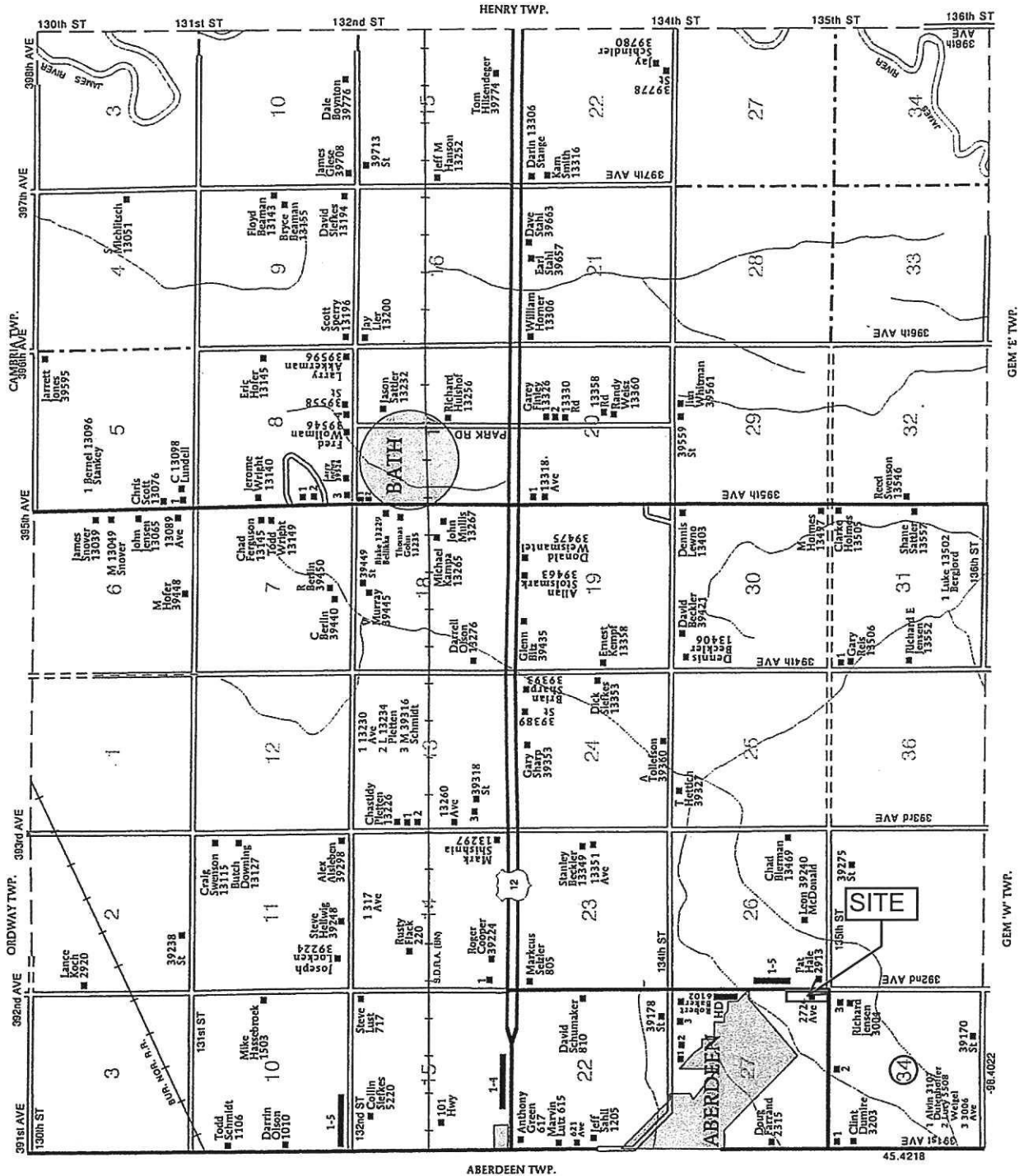
By: _____ **Date:** _____

HEARING DATE: July 21, 2020 **TIME:** 7:00pm

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



- BATH TOWNSHIP**
- SECTION 8**
- 1 Haugen, James 13164
 - 2 Kroll, John 13174
 - 3 Monson, Steve 39510
 - 4 Bruckner, David 39554
- SECTION 10W**
- 1 Barnmann, Kylie 5005
 - 2 Dowey, Justin 5025
 - 3 5091
 - 4 Gross, Del 5115
 - 5 Mathern, A 5219
- SECTION 15W**
- 1 5405
 - 2 Eilers, Todd 5455
 - 3 5485
 - 4 Goseman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
 - 2 Wolf, Justin 13230
- SECTION 20**
- 1 13316
 - 2 Rohrbach, Kevin 13328
- SECTION 22**
- 1 Bollikke, Daryl 2111
 - 2 Kohhaas, Paul 2135
 - 3 Griese, Doug 2215
 - 4 Bjorklund, Richard 2317
 - 5 Achon, C 2519
- SECTION 27W**
- 1 Caton, Caleb 5256
 - 2 Johnson, K 5950
 - 3 Arnesen, Daniel 6020

NOTICE OF HEARING SPECIAL EXCEPTION/CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a SPECIAL EXCEPTION/CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on July 21, 2020 at 7:00 P.M.

Petitioner: Cory Foley

Description of proposed property: E 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2724 392nd Ave).

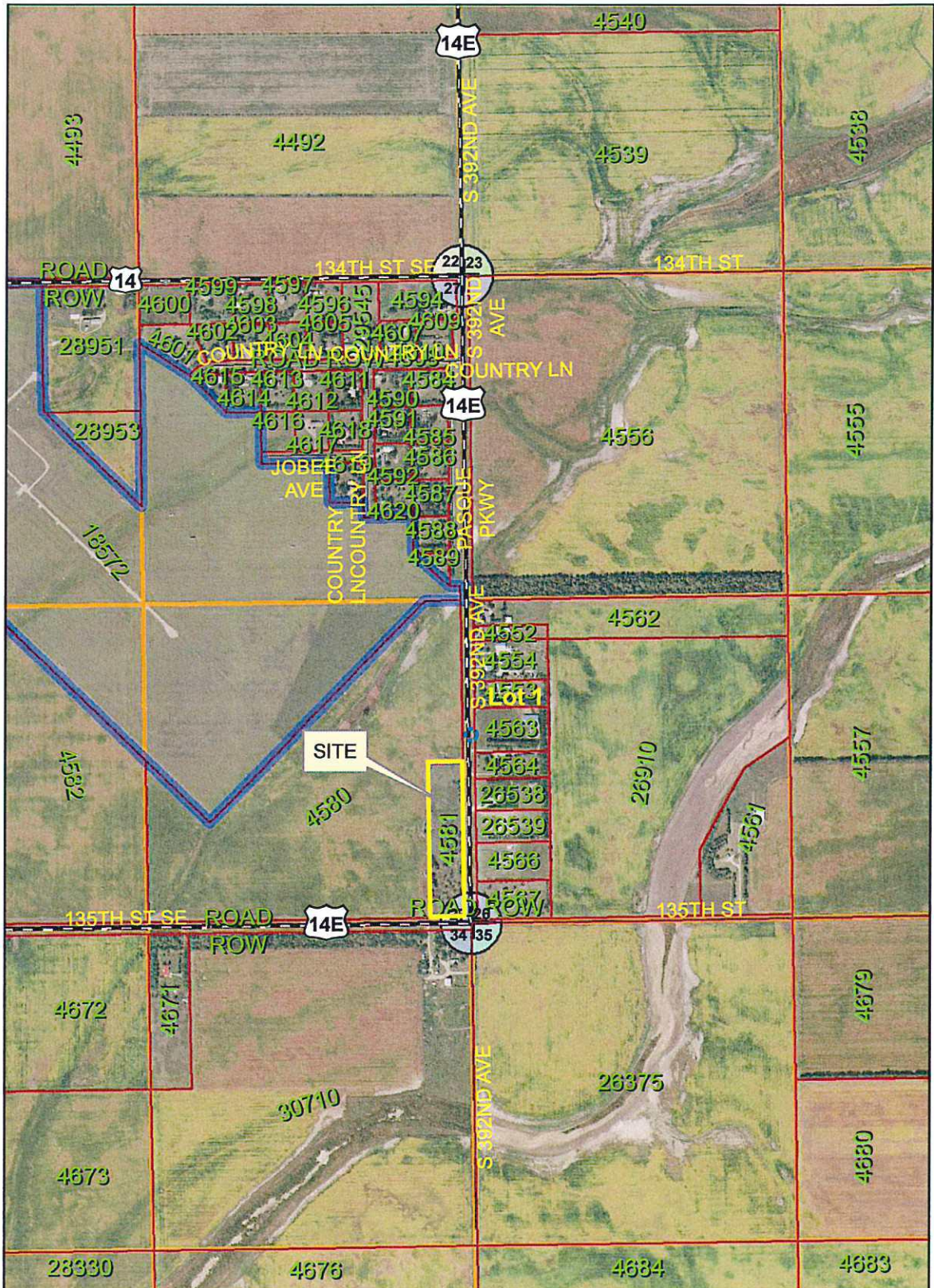
Reason: For the purpose of special exception/conditional use for a concrete, masonry and equipment business in a Mini Agriculture District (M-AG)

The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

Dated this 8th day of July 2020.

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 _____.





STAFF REPORT
July 21, 2020

Spec Exc/Conditional Use for Business

ITEM # 07

GENERAL INFORMATION

PETITIONER	John Zueger
REQUEST	Special Exception/Conditional Use for a business in a Rural Urban District (RU).
LEGAL DESCRIPTION	Lot 1, "Jones First Subdivision" in "Mallard Pass Subdivision" in the SW1/4 of Section 8-T123N-R62W of the 5th P.M., Brown County, South Dakota
LOCATION	39501 Pintail Ave
EXISTING ZONING	Rural Urban District (RU)
SURROUNDING ZONING	
North:	Rural Urban District (RU)/Heavy Industrial (H-I)
South:	Rural Urban District (RU)
East:	Rural Urban District (RU)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a Federal Firearms Licensed home business in a Rural Urban District (RU).

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 06/30/2020
RECEIPT # 146074
TOWNSHIP: Bath Twp

FEES: \$200.00
PAID: (YES)NO (CHK)CASH
DATE: 7-2-20

OWNERS SIGNATURE: John Zueger
OWNERS ADDRESS: 39501 Pintail Ave
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: 605-226-2321 Ext 1600 (Jody)

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

REQUEST: Special Exception/Conditional Use for a Federal Firearms Licensed home business
in a Rural Urban District (RU)

LEGAL DESCRIPTION: Lot 1, "Jones First Subdivision" in "Mallard Pass Subdivision" in SW1/4
of Section 8-T123N-R62W of the 5th P.M., Brown County, South Dakota

SIGNATURE: 

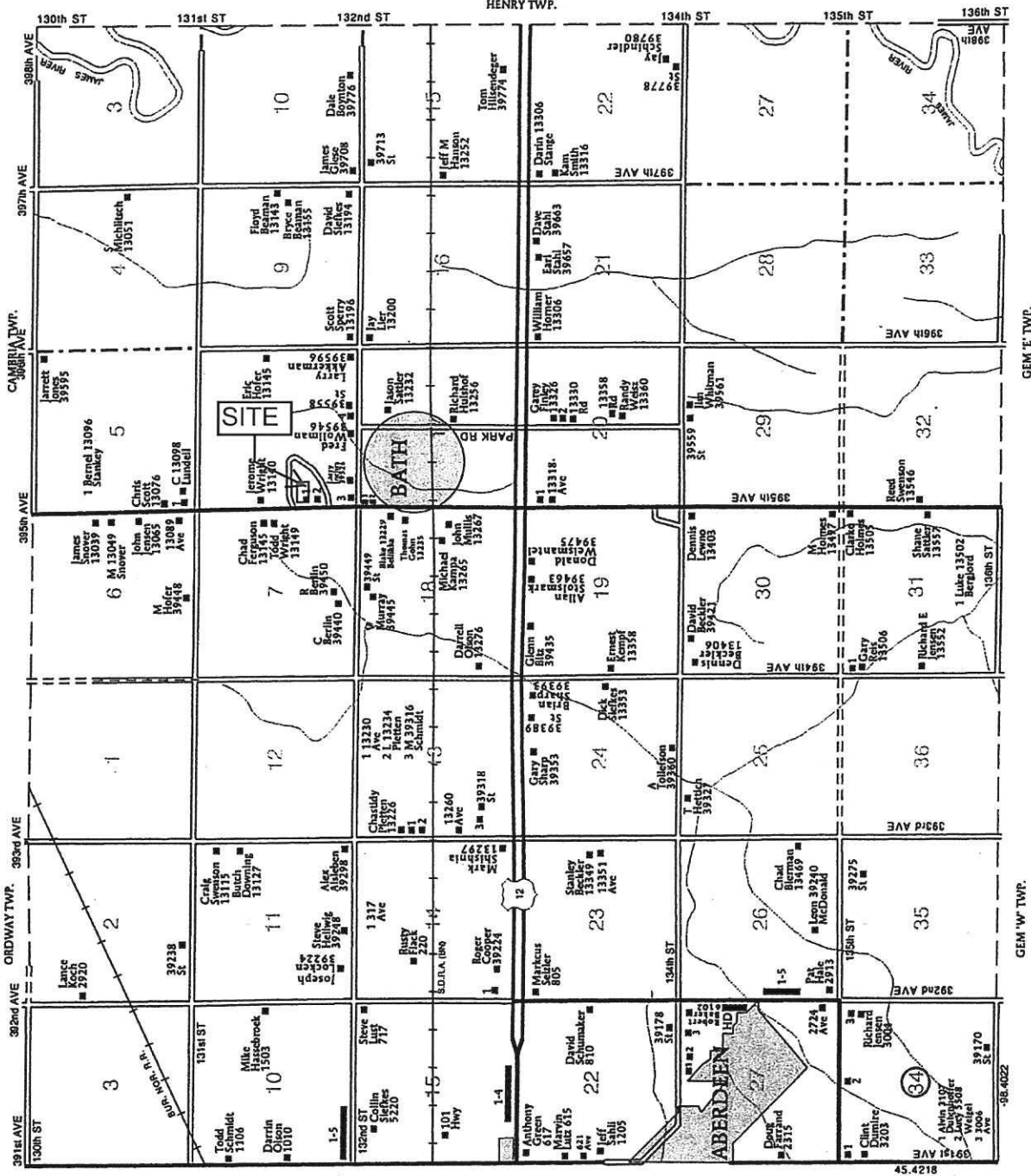
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 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

(Residents - Owners or Renters)



BATH TOWNSHIP

- SECTION 8
- 1 Haugen, James 13164
- 2 Kroil, John 13174
- 3 Montson, Steve 39510
- 4 Bruckner, David 39554
- SECTION 10W
- 1 Bornemann, Kylie 5005
- 2 Dewey, Justin 5025
- 3 5081
- 4 Gross, Del 5115
- 5 Mathern, A 5219
- SECTION 15W
- 1 5405
- 2 Eilers, Todd 5455
- 3 5485
- 4 Gossman, S 5755
- SECTION 17
- 1 Buechler, Jerry 13228
- 2 Wolf, Justyn 13230
- SECTION 20
- 1 13316
- 2 Ronrbach, Kevin 13328
- SECTION 28
- 1 Bellikka, Daryl 2111
- 2 Kohhaas, Paul 2135
- 3 Griese, Doug 2215
- 4 Bjorklund, Richard 2317
- 5 Achen, C 2519
- SECTION 27W
- 1 Caton, Caleb 5256
- 2 Johnson, K 5950
- 3 Arnesen, Daniel 6020

NOTICE OF HEARING SPECIAL EXCEPTION/CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a SPECIAL EXCEPTION/CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on July 21, 2020 at 7:00 P.M.

Petitioner: John Zueger

Description of proposed property: Lot 1, "Jones First Subdivision" in "Mallard Pass Subdivision" in the SW1/4 of Section 8-T123N-R62W of the 5th P.M., Brown County, South Dakota (39501 Pintail Ave).

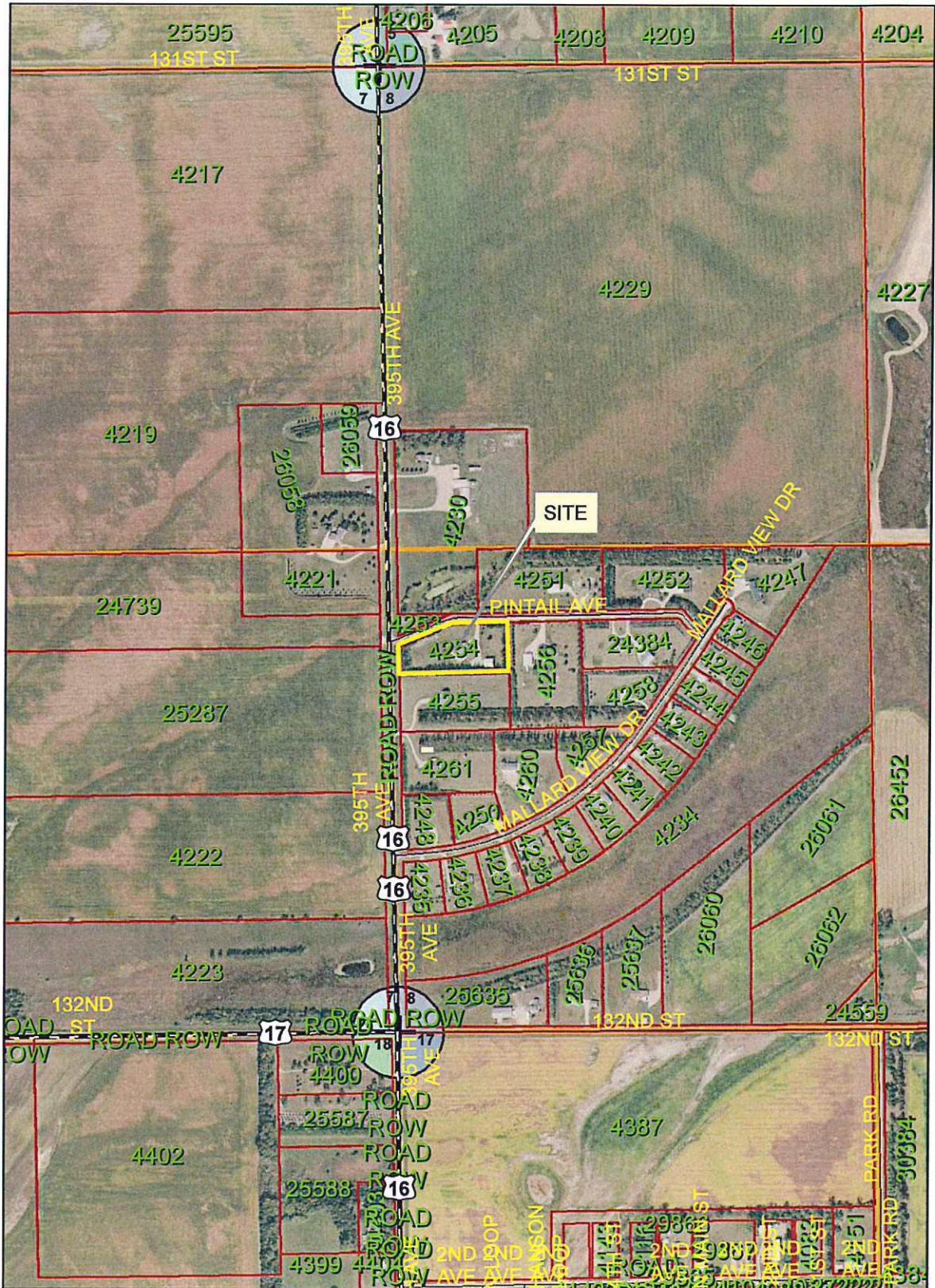
Reason: For the purpose of special exception/conditional use for a Federal Firearms Licensed home business in a Rural Urban District (RU).

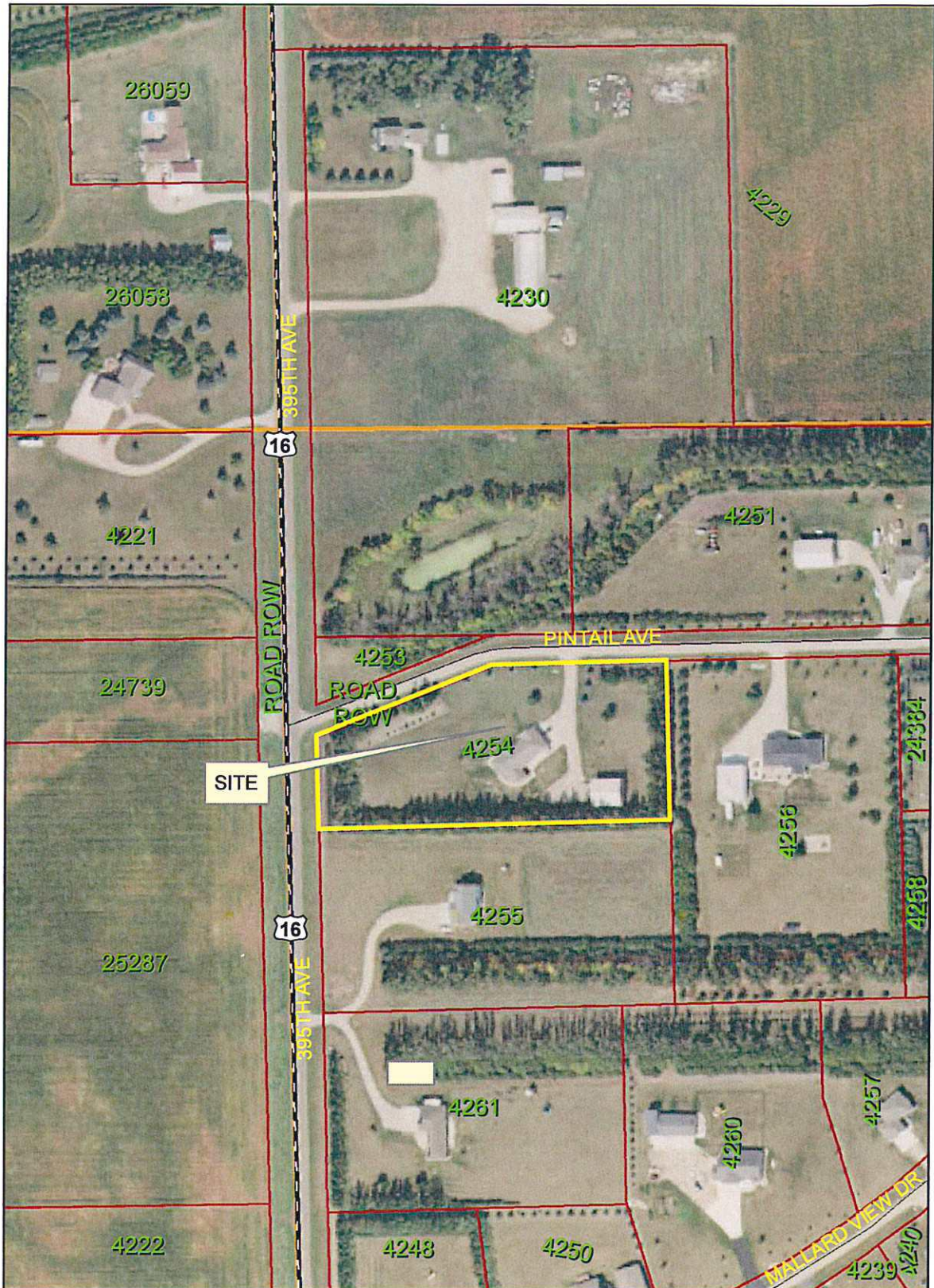
The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

Dated this 8th day of July 2020.

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 _____.





STAFF REPORT
July 21, 2020

VARIANCE FOR BUILDING SETBACKS IN R-3

ITEM # 08

GENERAL INFORMATION

PETITIONER/OWNER	Troy Holtey
REQUEST	Variance for Building Setbacks-house
LEGAL DESCRIPTION	Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	127386 West Shore Dr
EXISTING ZONING	Lake Front Residential (R-3)
SURROUNDING ZONING	
North:	Lake Front Residential (R-3)
South:	Lake Front Residential (R-3)
East:	Richmond Lake (AG-P2)
West:	Mini-Agriculture District (M-AG)
REPORTED BY	Scott Bader & Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to be setback 5' from the north side yard property line rather than 7' setback required "from furthest projection" and a 20' setback from the east front yard property line rather than 38' (50' – 12' high water mark) required for an R-3 District. This is for a 22' x 34' house addition w/footings already poured.

REVIEW: Owner poured concrete after we told him in the office to STOP all work because his request for a permit does not meet minimum setbacks. Owner submitted "on paper", 10' side yard and 35' front. We did a SITE VISIT and told him to find his property pins and "try again". This request is his second submittal. *Staff has reviewed this request and recommends denial.*

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 26, 2020
RECEIPT # 140075
TOWNSHIP: Lincoln Twp

FEE: \$100.00 # 1237
PAID: YES/NO CHK/CASH
DATE: 7/2/2020

OWNERS SIGNATURE: Troy Holtey
OWNERS ADDRESS: 127386 W Shore Dr
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-216-3000



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

REQUEST: Variance to Setbacks in a R-3 District to be 5' from the north side yard property line rather than the 7' required and a 20' setback from the east front yard property line rather than the 38' required for a 22' x 34' house addition.

LEGAL DESCRIPTION: Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-
T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 **TIME:** 7:00pm

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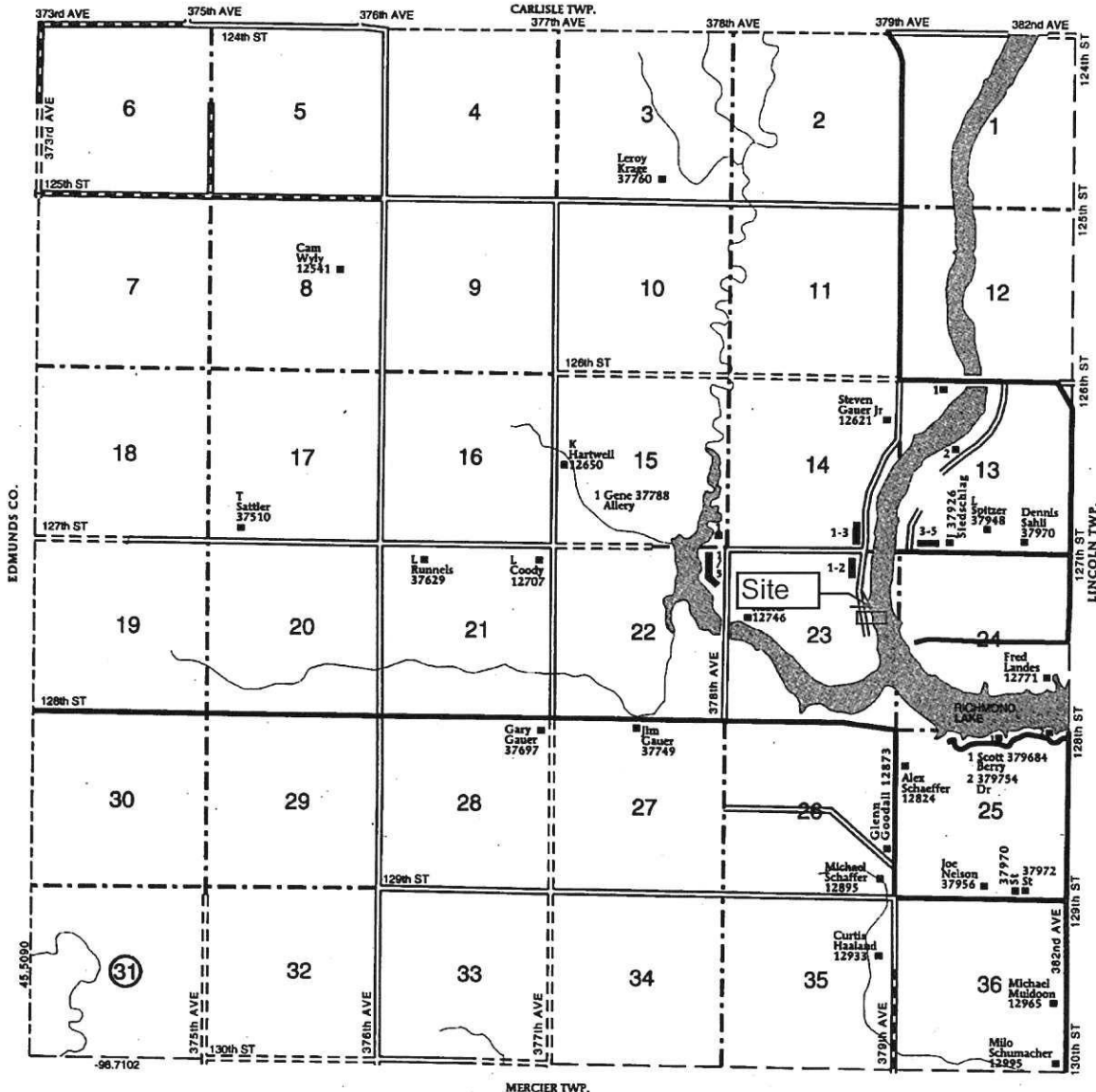
E-Mail Info@farmandhomepublishers.com
to get your business added to the next year's publication

T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



RAVINIA TOWNSHIP

SECTION 13

- 1 Kirchgessler, 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 Flacher, Brock 127216

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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Lake Front Residential District (R-3).

Petitioner / Owner: Troy Holtey

Description of property: Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127386 W Shore Drive).

Reason: Petitioner would like a Variance to Setbacks in a Lake Front Residential District (R-3) to be 5' from the north side property line rather than 7' required and a 20' setback from the east front property line rather than the 38' required for a 22' x 34' house addition.

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

Dated this 8th day of July 2020

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 _____.





19589

19588

19587

22 x 34 House Addit.

New 24 x 32 Garage

19586

WATER

ROAD ROW

6H

W. SHORE DR

19585

26189





STAFF REPORT
July 21, 2020

VARIANCE FOR BUILDING SETBACKS IN R-3

ITEM # 09

GENERAL INFORMATION

PETITIONER/OWNER	Troy Holtey
REQUEST	Variance for Building Setbacks-garage
LEGAL DESCRIPTION	Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	127386 West Shore Dr
EXISTING ZONING	Lake Front Residential (R-3)
SURROUNDING ZONING	
North:	Lake Front Residential (R-3)
South:	Lake Front Residential (R-3)
East:	Richmond Lake (AG-P2)
West:	Mini-Agriculture District (M-AG)
REPORTED BY	Scott Bader & Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance for a 0' setback from the west rear yard property line rather than the 30' required in R-3 District for a new 24' x 32' garage. Zoning requested STOP until plans are submitted and permit issued.

REVIEW: Owner inquired Monday 6/15/20 about garage permit and didn't come back with a plan to get a permit. Owner poured garage concrete 6/20/20 without a permit. Owner inquired Tuesday 6/23/20 about getting a permit for a house addition. Found out his forms and size of addition wouldn't fit. Owner poured that anyway. First plan submittal for garage was for 4'8" past the property line (5' encroachment in right-of-way). Staff did a SITE VISIT, measured from property pins to verify. Owner went ahead with HIS plans with disregard to Br Co Ordinance. *Staff has reviewed this request and recommends denial.*

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 26, 2020

FEES: \$100.00 ⁴¹²³⁷

RECEIPT # 140075

PAID: YES/NO CHK/CASH

TOWNSHIP: Lincoln Twp

DATE: 7/2/2020

OWNERS SIGNATURE: Troy Holtey 

OWNERS ADDRESS: 127386 W Shore Dr

OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401

OWNERS PHONE: 605-216-3000

AGENTS SIGNATURE: _____

AGENTS ADDRESS: _____

AGENTS CITY, STATE, ZIP: _____

AGENTS PHONE: _____

REQUEST: Variance to Setbacks in a R-3 District to be 0' from the west rear yard property line rather than the 30' required for a new 24' x 32' garage.

LEGAL DESCRIPTION: Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____	

By: _____	Date: _____
HEARING DATE: <u>July 21, 2020</u>	TIME: <u>7:00pm</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

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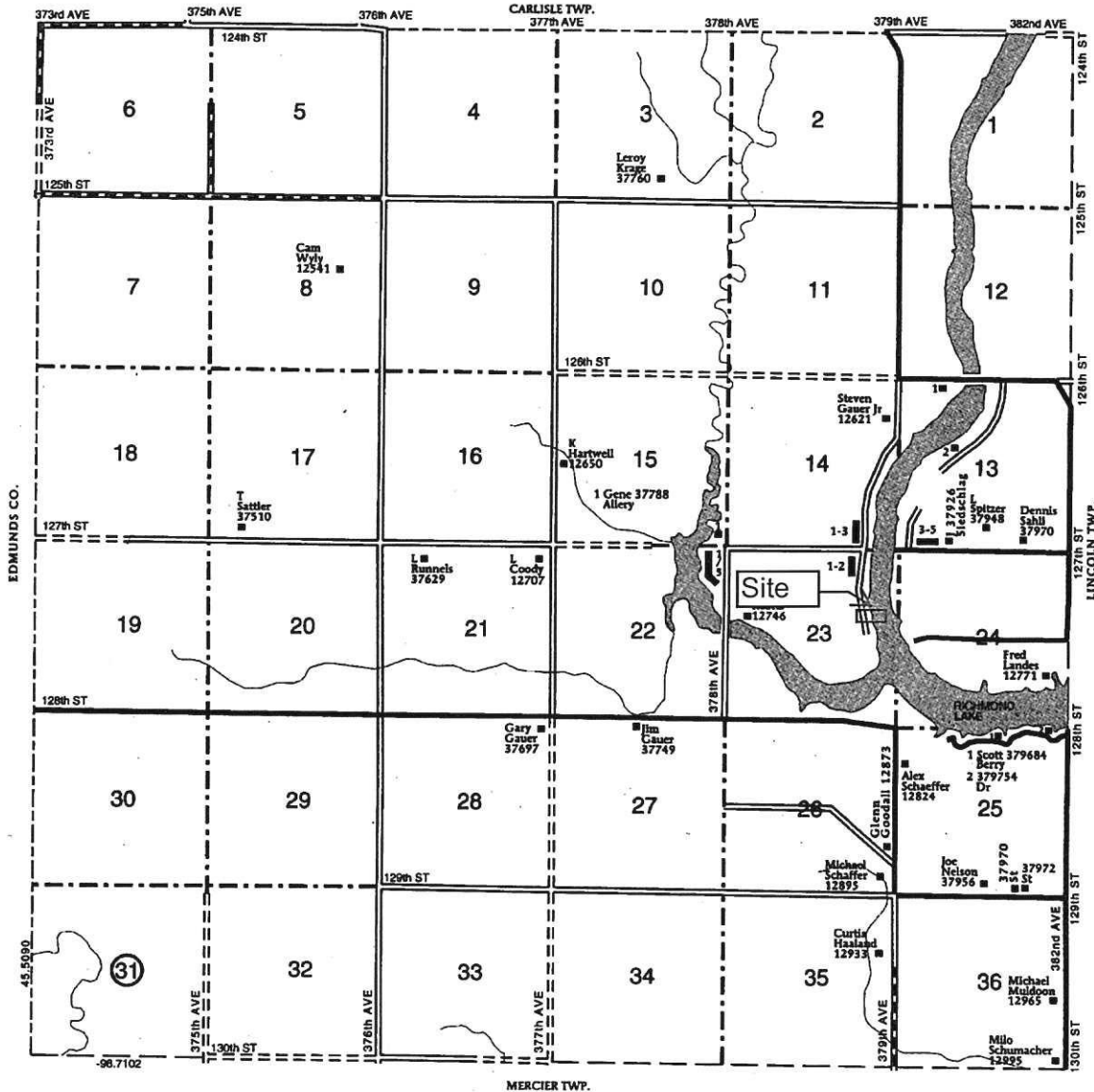
E-Mail Info@farmandhomepublishers.com
to get your business added to the next year's publication

T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



RAVINIA TOWNSHIP

SECTION 13

- 1 Kirchgiesler, Jim 37935
- 2 Bahr, Justin 128401
- 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

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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Lake Front Residential District (R-3).

Petitioner / Owner: Troy Holtey

Description of property: Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127386 W Shore Drive).

Reason: Petitioner would like a Variance to Setbacks in a Lake Front Residential District (R-3) to be 0' from the west rear property line rather than 30' required for a new 24' x 32' garage.

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

Dated this 8th day of July 2020

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 _____.



19824

29785

26449

25553

25554

25555

25556

19823

29773

29772

19594

19593

19592

19591

19590

19589

19588

19587

19586

26189

26188

19583

19582

19581

6H

ROAD ROW
W. SHORE DR

22 x 34 House Addit.

New 24 x 32 Garage

WATER



STAFF REPORT
July 21, 2020

VARIANCE FOR BUILDING SETBACKS IN R-1

ITEM # 10

GENERAL INFORMATION

PETITIONER	Hugh Dahme
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot 7, "Auditor's 2nd Subdivision" in the SE 1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2720 S Hwy 281
EXISTING ZONING	Residential District (R-1)
SURROUNDING ZONING	
North:	Residential District (R-1)
South:	Residential District (R-1)
East:	R-5 (City Zoning)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for a 7' setback from the West rear property line rather than the 20' required in a Residential District (R-1) for a new 30' x 44' cold storage building.


REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: June 29, 2020
RECEIPT # 140068
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: (YES)/NO (CHK)CASH
DATE: _____

OWNERS SIGNATURE: Hugh Dahme 
OWNERS ADDRESS: 2720 S. Highway 281
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-216-5046 (cell) 605-225-3917 (office)

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

REQUEST: Variance to Setbacks in a R-1 District to be 7' from the West rear property line rather than the 20' required for a new 30' x 44' cold storage building.

LEGAL DESCRIPTION: Lot 7, "Auditor's 2nd Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota

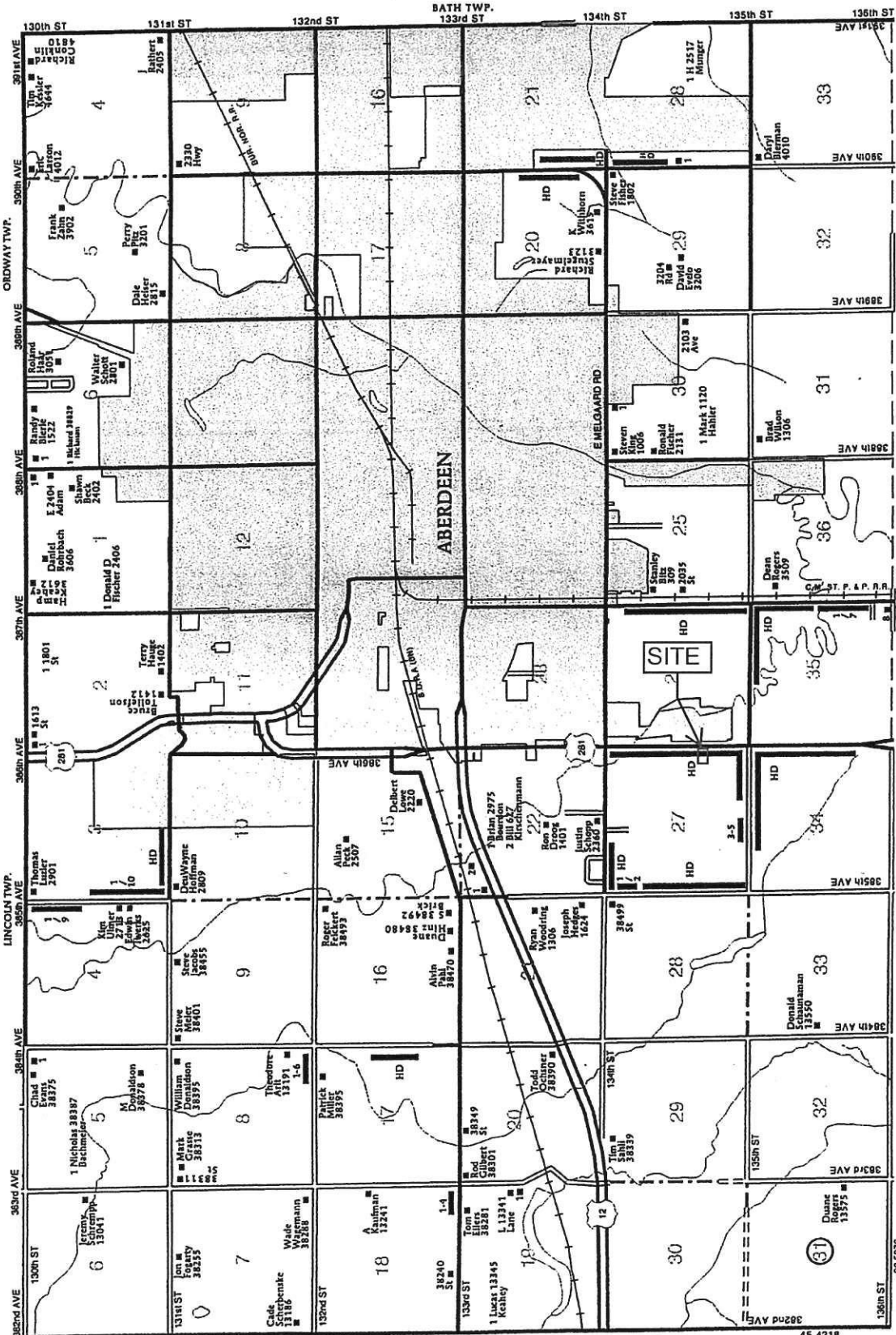
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 TIME: 7:00pm

(Residents - Owners or Renters)

BATH TWP.



GEN W TWP.

WARNER N TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

MERCIER TWP.

45.4218

-98 5870

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 July 21, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Residential District (R-1).

Petitioner / Owner: Hugh Dahme

Description of property: Lot 7, "Auditor's 2nd Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2720 S Hwy 281).

Reason: Petitioner would like a Variance to Setbacks in a Residential District (R-1) to be 7' from the West rear property line rather than 20' required for a 30' x 44' cold storage building.

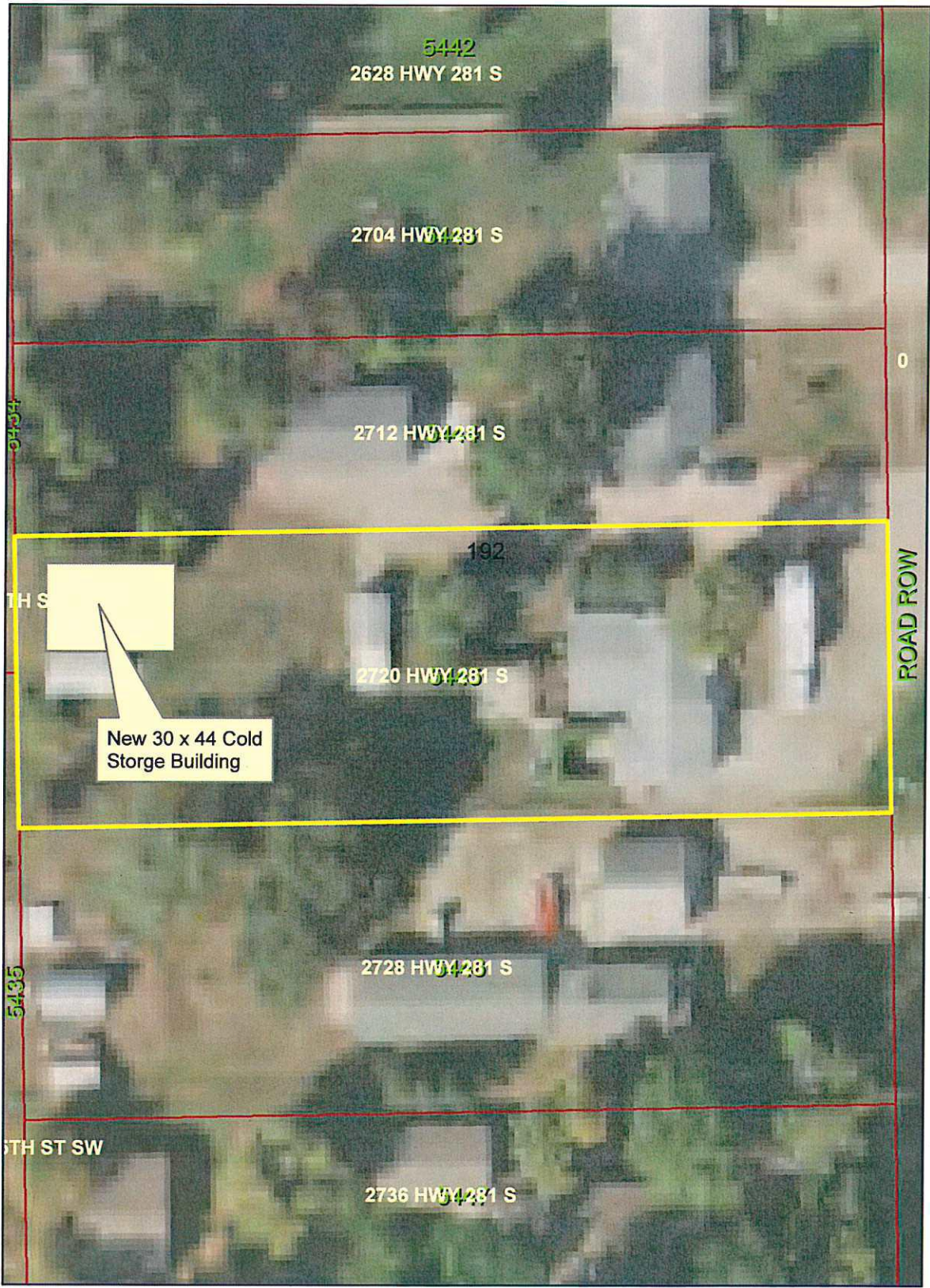
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of July 2020

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 _____.





5442
2628 HWY 281 S

2704 HWY 281 S

2712 HWY 281 S

192

2720 HWY 281 S

2728 HWY 281 S

TH S

ROAD ROW

5435

TH ST SW

2736 HWY 281 S

New 30 x 44 Cold
Storage Building

STAFF REPORT
July 21, 2020

Spec Exc/Conditional Use for CAFO

ITEM # 11

GENERAL INFORMATION

PETITIONER	Marc Sippel
REQUEST	Special Exception/Conditional Use for a CAFO in a Agriculture Preservation District (AG-P).
LEGAL DESCRIPTION	Lot 1, "Sippel Addition" in the SW1/4 of Section 9-T123N-R60W of the 5th P.M., Brown County, South Dakota
LOCATION	40808 132 nd 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 Concentrated Animal Feeding Operation (CAFO) in an Agriculture Preservation District (AG-P).

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 06/26/2020
RECEIPT # 140063
TOWNSHIP: Groton Twp

FEES: \$200
PAID: YES/NO CHK/CASH
DATE: JUNE 29, 20
#11272

OWNERS SIGNATURE: Marc Sippel
OWNERS ADDRESS: 40808 132nd St
OWNERS CITY, STATE, ZIP: Groton, SD 57445
OWNERS PHONE: 605-397-7950

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

REQUEST: _____

LEGAL DESCRIPTION: Lot 1, "Sippel Addition" in the SW1/4 of Section 9-T123N-R60W
of the 5th P.M., Brown County, South Dakota

SIGNATURE: Marc Sippel

Planning Commission Action: Approved / Denied _____	

By: _____	Date: _____
HEARING DATE: July 21, 2020	TIME: 7:00 p.m.

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

Hosmer Veterinary Clinic

Holly Roe-Johnson, DVM Cassie L. Holtz, DVM Tim Kruse, DVM

Steph Smith, DVM Erin Christ, DVM Sophia Hyder, DVM

109 W. Main St., P.O. Box 47, Hosmer, SD 57448

Clinic (605) 283-2278 • After Hrs. (605) 281-0493

Large & Small Animal Veterinary Services & Supplies



Wetonka
Vet Service
225-7176

Eureka Vet
Service
284-2509

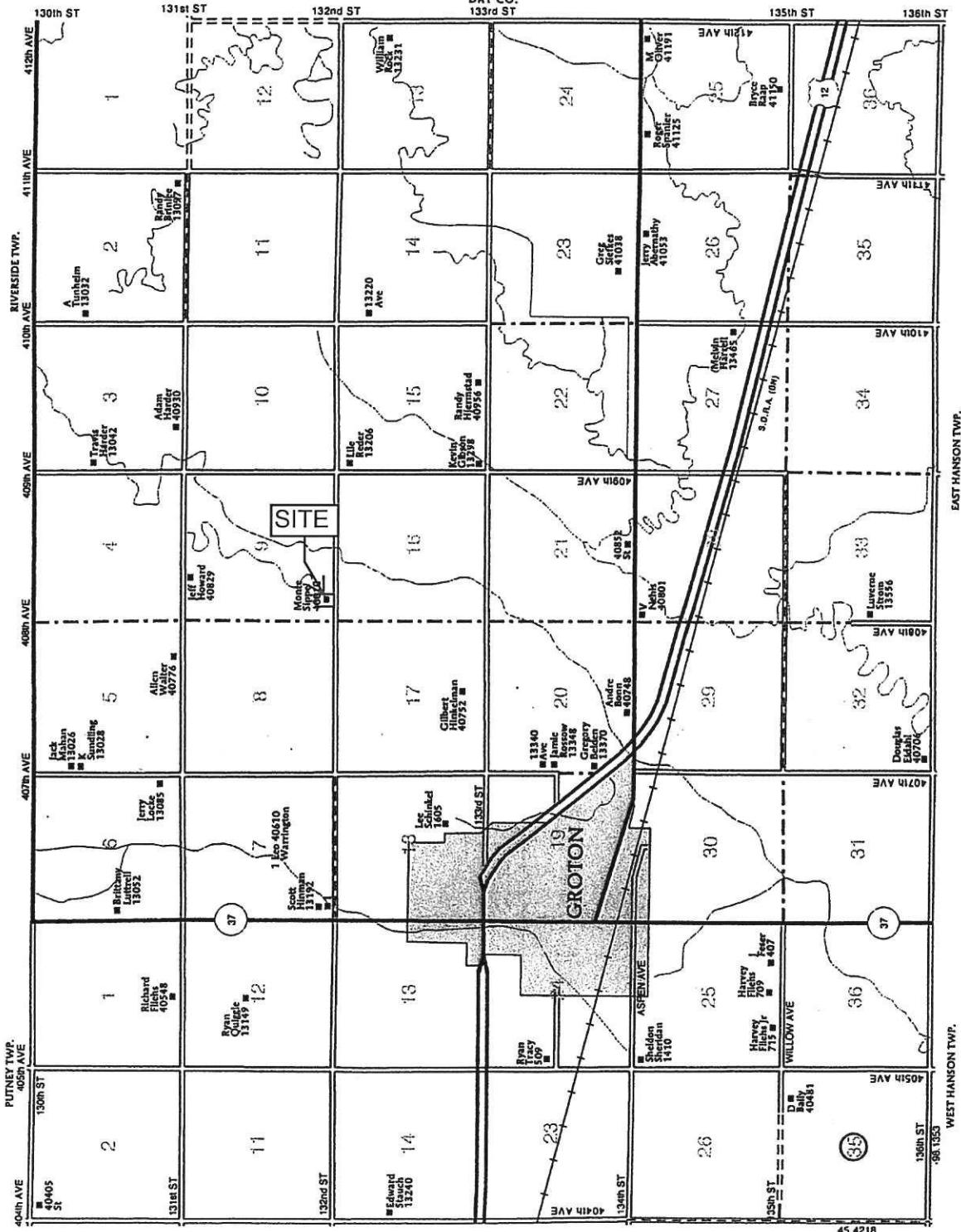
T-123-N

GROTON DIRECTORY

R-60-61-W

(Residents - Owners or Renters)

DAY CO.
133rd ST



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 July 21, 2020 at 7:00 P.M. for the purpose of a Special Exception/Conditional Use in a Agriculture Preservation District (AG-P).

Petitioner / Owner: Marc Sippel

Description of property: Lot 1, "Sippel Addition" in the SW1/4 of Section 9-T123N-R60W of the 5th P.M., Brown County, South Dakota (40808 132nd St).

Reason: Petitioner is requesting this Conditional Use for a Concentrated Animal Feeding Operation (CAFO) in an Agriculture Preservation District (AG-P).

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

Dated this 8th day of July 2020

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 _____.

13. Information Required for Class C and D Concentrated Animal Feeding Operational Permit

- A. Owner's name, address and telephone number.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements, including site plan to scale.
- H. Review of plans and specification and nutrient management plan by the South Dakota Department of Environment & Natural Resources if using lagoon or earthen storage basin.
- I. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- J. Notification of whomever maintains the access road (township, county and state).
- K. Notification public water supply officials.
- L. Any other information as contained in the application and requested by the County Zoning Officer.

13 A. Marc Sippel, 407 E. 14th Ave., Groton, SD 57445, 605-397-7950

13 B. SEC 9-R123-60 Northwest quarter

13 C. Feeder lambs and 800 per barn

13 D. Soil sample the adjoining 640 acres and rotate manure spreading every 5-7 years

13 E. Spread and incorporate manure within 24 hours and plant accordingly

13 F. Spray bunk lines and bunks daily during fly season

13 G. Meet all setback requirements

13 H. Follow all NRCS plans and regulations for manure management and open feeding loafing
barns.

CHAPTER 4.32 CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

4.3201 Intent. An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of county citizens and the State of South Dakota. However, livestock, poultry and other animals produce manure which may, where improperly stored, transported, or disposed, negatively affect the County environment. Animal manure must be controlled where it may add to air, surface water, or land pollution. The following regulations have been adopted to provide protection against pollution caused by manure from domesticated animals. All new and proposed expansions of Concentrated Animal Feeding Operations shall comply with the regulations as outlined herein.

It is the intention of the Board of Adjustment in the enforcement of this ordinance that when an operator of an existing Concentrated Animal Feeding Operation applies for a permit to expand to another class level, the standards that apply to the expansion will not be applied to existing structures that were built in compliance with accepted industry standards in existence at the time of the construction of such facilities. A special exception can be issued, as per Chapter 4.0604 - Agricultural Preservation (AG-P) - Special Exception. Refer to Chapter 4.3205.10 for additional standards.

4.3202 Definitions.

Animal Manure. Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.

Animal Units. Animal species and number of a species required to equal 300, 1,000 and 2,000 animal units. Note that these figures relate to inventory rather than annual production. Other animal species equivalents, which are not listed will be based on species' waste production.

<u>ANIMAL SPECIES</u>	<u>EQUIVALENT NUMBER OF A SPECIES TO EQUAL:</u>			<u>ANIMAL UNIT EQUIVALENT SPECIES/AU</u>
	<u>300 AU</u>	<u>1,000 AU</u>	<u>2,000 AU</u>	
Feeder or Slaughter Cattle	300 hd	1,000 hd	2,000 hd	1.0
Mature Dairy Cattle	200 hd	700 hd	1,400 hd	1.4
Finisher Swine (over 55 lbs)	750 hd	2,500 hd	5,000 hd	0.4
Nursery Swine (less than 55 lbs)	3,000 hd	10,000 hd	20,000 hd	0.1
Farrow-to-Finish (sows)	80 hd	270 hd	540 hd	3.7
Swine Production Unit – Sows (Breeding, Gestating & Farrowing)	640 hd	2,130 hd	4,260 hd	0.47
Horses	150 hd	500 hd	1,000 hd	2.0
Sheep	3,000 hd	10,000 hd	20,000 hd	0.1
Turkeys	16,500 hd	55,000 hd	110,000 hd	0.018
Laying Hens and Broilers (continuous overflow watering in facility)	30,000 hd	100,000 hd	200,000 hd	0.01
Laying Hens and Broilers (liquid handling system in confinement facility)	9,000 hd	30,000 hd	60,000 hd	0.033
Ducks	1,500 hd	5,000 hd	10,000 hd	0.2

Applicant. An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Change in Operation. "Change in operation" means a cumulative expansion of more than 300 animal units, after December 18, 1997, which are confined at an existing unpermitted concentrated animal feeding operation.

Farm Dwelling. Any dwelling owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers.

Non-Farm Dwelling. Any occupied dwelling which is not a farm dwelling.

Permit. A permit required by these regulations unless stated otherwise.

Potential Pollution Hazard. A Concentrated Animal Feeding Operation of 0-300 Animal Units may be classified as a Class D Operation by the County Zoning Officer when a Potential Pollution Hazard exists. Factors to be considered by the Zoning Officer in determining a Potential Pollution Hazard include the following:

1. The Concentrated Animal Feeding Operation does not meet the minimum setback and separation distances of these regulations.
2. A Potential Water Pollution Hazard exists due to sitting over a shallow aquifer or drainage, which contributes to the waters of the State.

Process Generated Wastewater. Water directly or indirectly used in the operation of an animal feeding operation. The term includes spillage or overflow from water systems; water and manure collected while washing, cleaning or flushing pens, barns, manure pits or other areas; water and manure collected during direct contact swimming, washing or spray cooling of animals; and water used in dust control.

Process Wastewater. "Process wastewater" means any process generated wastewater and any precipitation (rain or snow) that comes into contact with animals, manure, litter or bedding, feed or other portions of the animal feeding operation. The term includes runoff from an open lot.

Shall. "Shall" means that the condition is an enforceable requirement of this permit.

Shallow Aquifer. An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well. A well which is located in a shallow aquifer.

Should. "Should" means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

Significant Contributor of Pollution. To determine if a concentrated animal feeding operation meets this definition, the following factors are considered:

1. Size of feeding operation and amount of manure reaching waters of the state;
2. Location of the feeding operation in relation to waters of the state;
3. Means of conveyance of manure and process wastewater into waters of the state;
4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state.

Water of the State. "Water of the State" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Zone A. Special Flood Hazard Areas subject to inundation by the 100-year flood.

Zone X. These areas have been identified in the community flood insurance study as areas of moderate or minimal hazard from the principal source of flood in the area.

4.3203 Classes of Concentrated Animal Feeding Operations. A concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 180 days or more during any 12-month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility. Two or more animal feeding operations under common ownership are single animal operation if they adjoin each other, or if they use a common area, or system for disposal of manure.

For the purpose of these regulations, Concentrated Animal Feeding Operations are divided into the following classes:

ANIMAL UNITS

CLASS A	2,000 or more
CLASS B	1,000 to 1,999
CLASS C	300 to 999
CLASS D	0 to 300 (Potential water pollution hazard)
CLASS E	0 to 300 (No pollution hazard)

4.3204 Concentrated Animal Feeding Operation Permit Requirements. Owner of Class A, Class B, Class C, and Class D Concentrated Animal Feeding Operations are required to complete a permit application whenever any of the following occur:

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.

3. A cumulative expansion by 500 animal units, after December 18, 1997, of existing concentrated animal feeding operation that does not have a permit.
4. If a livestock operation with a DENR construction permit or a Brown County Zoning permit is sold, the new owner is subject to all the terms and conditions of the permit. The DENR and Brown County Zoning Board must be notified of the transfer by the current permit holder and the new permit holder within 30 days of the transfer. The new permit holder may need to supply the information to modify the permit to reflect the new ownership (if the DENR or Brown County Zoning board requests). A person who is a habitual violator or has a pending enforcement action may not purchase a confinement operation with a DENR or Brown County Zoning Board permit.
5. An existing concentrated animal feeding operation is to be restocked after being idle for five (5) or more years.
6. A signed complaint has been received by the County Zoning Officer or South Dakota Department of Environment and Natural Resources and after inspection reveals that the concentrated Animal Feeding Operation is in violation of County or State regulations.

4.3205 Concentrated Animal Feeding Operation Control Requirements.

1. No Significant Contribution of Pollution

In general, no Concentrated Animal Feeding Operation shall be constructed, located or operated so as to create a significant contribution of pollution.

2. State General Permit

Classes A and B Concentrated Animal Feeding Operations shall obtain a State General Permit pertaining to the animal species of the Concentrated Animal Feeding Operation. A County permit may be approved conditioned on receiving a State permit.

Classes C and D Concentrated Animal Feeding Operations will be required to obtain a State General Permit if either of the following occur:

- a. If an earthen storage basin or lagoon is used for manure storage.
- b. The Board of Adjustment decides conditions require a State permit.

3. Nutrient Management Plan

Classes A, B, C, and D Concentrated Animal Feeding Operations shall submit a Nutrient Management Plan to the State. The applicant shall develop, maintain, and follow a nutrient management plan to ensure safe disposal of manure and protection of surface and ground water. The South Dakota Department of Environment & Natural Resources must approve the plan prior to land application of any wastes. Due to crop rotation, site changes, and other operational changes, the producer should update the plan annually to reflect the current operation and crops grown on the application sites. The applicant shall collect, store, and dispose of liquid and solid manure according to recognized practices of good agricultural management. The economic benefits derived from agricultural operations carried out at the land disposal site are secondary to the proper and safe disposal of manure.

A generic nutrient management plan that the applicant may use in developing a nutrient management plan is available from the South Dakota Department of Environment & Resources. The generic nutrient management plan is based on application of nitrogen. The applicant may use other plans, provided the alternate plan contains all the information necessary to determine compliance with conditions of this general permit. Nitrogen, in addition to that allowed in the nutrient management plan, may be applied up to the amounts as indicated by soil or crop nitrogen test results that are necessary to obtain the realistic crop yield.

The South Dakota Department of Environment & Natural Resources recommends and encourages producers to develop nutrient management plans for other nutrients such as phosphorous and potassium. Over application of these nutrients may lead to water quality problems in area lakes and streams and result in potential damage to the producer's land and crop.

The applicant must maintain records to show compliance with the plan.

The plan must comply with the County Manure Application Setbacks.

Land spreading agreements shall be provided if applicant does not have minimum acreage to apply animal manure. Animal manure shall be applied within five miles of the Concentrated Animal Feeding Operation.

4. Manure Management and Operation Plan

Classes A and B Concentrated Animal Feeding Operations shall submit a Manure Management and Operation Plan.

A. Plan must include:

- (1) The location and specifics of proposed animal manure facilities.
- (2) The operation procedures and maintenance of manure facilities.
- (3) Plans and specifications must be prepared or approved by a registered professional engineer, or a South Dakota licensed Natural Resource Conservation Service (NRCS) engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer.
- (4) Animal manure shall not be stored longer than two years.
- (5) Manure containment structures shall provide for a minimum design volume of 270 days of storage.
- (6) Producers shall keep records of manure applications on individual fields, which document acceptable manure and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields.
- (7) Manure transportation plan; manure transportation is limited to five miles from the place of origin.

B. As a condition of the permit, the County Board of Adjustment may require the producer to participate in environmental training programs and become a certified livestock manager.

C. The Board of Adjustment may require manure to be injected or incorporated into the soil.

5. Management Plan for Fly and Odor Control

Classes A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The County Board of Adjustment will review the need for control measures on site specific basis, taking in consideration prevailing wind direction and topography. The following procedures to control flies and odors should be considered in a management control plan.

A. Operational plans for manure collection, storage treatment and use must be kept updated and implemented.

B. Methods to be utilized to dispose of dead animals should be included in the management plan.

C. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds and/or lagoons.

D. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.

E. Store solid manure in containment areas having good drainage to minimize odor production.

F. Remove manure from open pens as frequently as possible to minimize odor production.

G. Consider use of covers on open storage systems for liquid manure systems to reduce odor production.

H. Avoid applying manure on weekends, holidays, and evenings during warm season when neighbors may be involved in outdoor recreation activities.

I. Avoid surface application when allowable during calm and humid days, since these conditions restrict the dispersion and dilution of odors.

J. Incorporation of manure must occur within 24 hours of open air spreading.

6. Required Setbacks (defined as radius) and Separation Distance for new Concentrated Animal Feeding Operations and those Expanding by 300 or More Animal Units after December 18, 1997.

MINIMUMS

	CLASS A	CLASS B	CLASS C	CLASS D & E
Established Residences not including owners/operators	3,960 feet*	2,640 feet	2,640 feet	2,640 feet
Churches, Businesses and Commercially Zoned Areas	5,280 feet*	5,280 feet	2,640 feet	2,640 feet
Incorporated Municipality	3 miles	2 miles	5,280 feet	2,640 feet
Public Water Supplies & Private Wells other than the operator	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Lakes and Streams classified as Fisheries as identified by the State	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Housed	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open Lot	300 feet	300 feet	200 feet	200 feet
Township Road ROW Housed	150 feet	150 feet	150 feet	150 feet
Township Road ROW Open Lot	150 feet	150 feet	150 feet	150 feet
Designated 100 Year Floodplain	Prohibited	Prohibited	Prohibited	Prohibited

* Plus 1,000 feet for 1,000 additional units

Proposals for new Concentrated Animal Feeding Operations, on a site-by-site basis, shall be set back from adjoining property lines as determined by the County Board of Adjustment.

7. Exemptions from Separation Distance

A. If a Concentrated Animal Feeding Operation is closer than the separation distances provided in these regulations, the applicant can request a written waiver from the separation distance. The residence, business, church, school, municipality, or public use area may waive the distance requirement. The waiver is recorded with the County Register of Deeds in order that any future owners can be informed.

B. Concentrated Animal Feeding Operation expansion of 300 animal units or more can apply to County Board of Adjustment for a variance to the required setback and separation distance regulations.

8. New Residences

Anyone establishing a new residence must comply with the minimum setbacks as stated in Section 6, Established Residences, upon determining the class of the concentrated animal feeding operation where the new residence will be located.

The following uses are prohibited in Zone A:

- (1) New Concentrated Animal Feeding Operations after adoption of this ordinance.
- (2) Existing Concentrated Animal Feeding Operations will not be able to expand beyond a total of 300 animal units.
- (3) Earthen storage basins and lagoons.
- (4) Stockpiling of solid waste.

The following uses are prohibited in Zone X:

- (1) New and expansion of Class A and B Concentrated Animal Feeding Operations.
- (2) Earthen storage basins and lagoons.

The following uses are allowed in Zone X by Special Exception:

- (1) New Class D and expansion of existing Class D up to 999 animal units (Class C). The County may require soil borings to determine impermeable material between land surface and the aquifer.

Each application for a new or expanded Concentrated Animal Feeding Operation (CAFO) will be reviewed by the Board of Adjustment on a site specific basis. The Board of Adjustment reserves the right to increase the minimum required setbacks and separation distance on a site specific review, based on one or more of the following considerations.

- A. A Concentration of CAFOs in the area exists or would occur which may pose an air or water quality concern.
- B. Due to topography and prevailing wind direction, additional setback and separation distance is appropriate to safeguard air or water quality.
- C. A Concentrated Animal Feeding Operation is in excess of 5,000 animal units.

9. Manure Application Setbacks

- A. The following manure application setbacks apply to all classes of Concentrated Animal Feeding Operations.

COUNTY MANURE APPLICATION SETBACKS

<u>CATEGORY</u>	<u>SURFACE OR IRRIGATION APPLIED</u>	<u>INCORPORATED OR INJECTED</u>
Lakes, Rivers and Streams Classified as Fisheries from high water mark	1,000 feet	100 feet (lake) 50 feet (river & stream)
Streams and Lake classified as Drinking Water Supplies	1,000 feet	300 feet
Public Roads	25 feet (surface) from right-of-way 300 feet (irrigation)	10 feet from right-of-way
Area of 10 or more Residences	300 feet (surface) 1,000 feet (irrigation)	300 feet
Public Wells	1,000 feet	1,000 feet
Private Shallow Wells	1,000 feet	250 feet
A Residence other than the Operator	1,000 feet	300 feet
Natural or Manmade Drainage	500 feet	50 feet

B. The County Board of Adjustment may require liquid manure to be incorporated or injected in order to minimize air and water quality impacts.

C. Requests for application of liquid manure by means of irrigation will be reviewed by the Board of Adjustment on a site-specific basis. Impact on air and water quality will be taken into consideration.

10. Standards for Special Exceptions

A. The County Board of Adjustment may request information relating to a Concentrated Animal Feeding Operation not contained in these regulations.

B. The County Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulations, additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare

C. Special Exceptions shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are being adhered to.

D. When considering an application, the County Board of Adjustment will take into consideration current and past violations relating to Concentrated Animal Feeding Operations that the applicant has an interest in.

E. Permit applicants will be required to file a letter of assurances as required by the Board of Adjustment. The letter of assurances will be prepared by the zoning officer and signed by both the applicant and the zoning officer.

F. A neighboring township that adjoins between two counties will follow the regulations of the county that is most restrictive.

G. An applicant's record on environmental issues, employment, and labor compliance must be submitted with the application. If the County Planning and Zoning Commission finds the person is a "bad actor" then the applicant will be denied a permit.

11. Facility Road Maintenance Agreements

All facilities within Brown County that cause excessive maintenance of County or Township roads shall be required to have a written agreement with the Township Board or County Highway Superintendent, stating acceptance responsibility for all additional costs incurred by the facility in maintenance of said road. Excessive maintenance shall be defined as: All work and materials costs incurred over and above the average cost of maintaining that specific type of road within that local governmental units jurisdiction. The terms of said agreement shall be determined prior to the issuance of a conditional use permit.

12. Information Required for Class A and B Concentrated Animal Feeding Operation Permit

- A. Owner's Name, address and telephone numbers.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements including site plan to scale.
- H. General permit from South Dakota Department of Environment & Natural Resources if available for animal species.
- I. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources.
- J. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- K. Notification of whomever maintains the access road (township, county and state).
- L. Notification of public water supply officials.
- M. Any other information as contained in the application and requested by the County Zoning Officer.

- N. Written notification to landowners or tenants living within the setback area to the proposed facility, and publication of notice in official County newspaper at least once.
- O. A full written plan must be submitted at least four weeks in advance of the public hearing in the county courthouse or other location, available for public inspection.
- P. A copy of the general permit application must be submitted to the County, at the time it is submitted to State Department of Environment and Natural Resources.
- Q. A list of owner's names contracted to do manure land spreading and a legal description of the land must be submitted to the County.

13. Information Required for Class C and D Concentrated Animal Feeding Operational Permit

- A. Owner's name, address and telephone number.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements, including site plan to scale.
- H. Review of plans and specification and nutrient management plan by the South Dakota Department of Environment & Natural Resources if using lagoon or earthen storage basin.
- I. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- J. Notification of whomever maintains the access road (township, county and state).
- K. Notification public water supply officials.
- L. Any other information as contained in the application and requested by the County Zoning Officer.

*Brown County GIS Map
(for reference only)*



Machinery

Shed

Barn

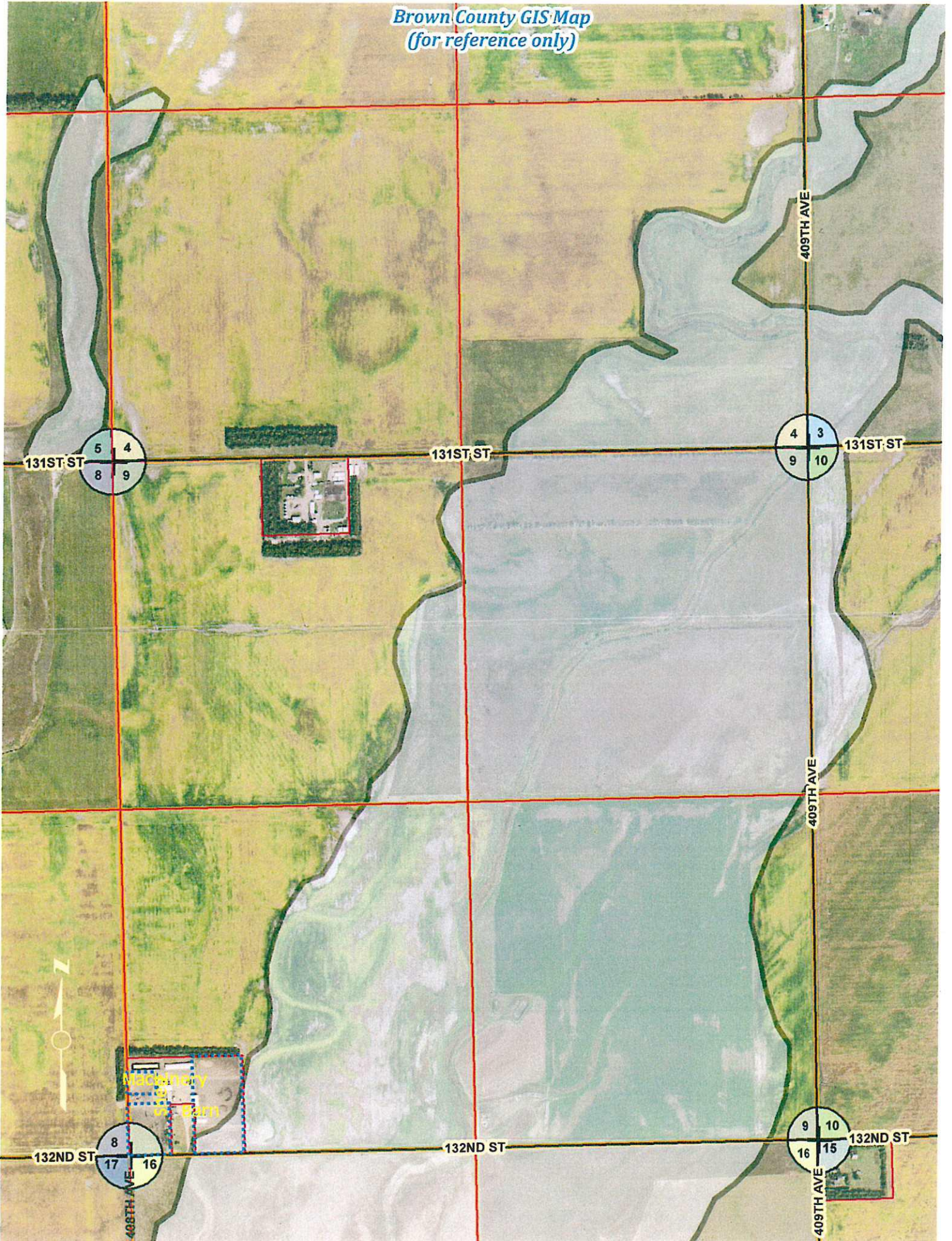
132ND ST

132ND ST

403TH AVE



Brown County GIS Map
(for reference only)



STAFF REPORT

July 21, 2020

Spec Exc/Conditional Use for Business

ITEM # 12

GENERAL INFORMATION

PETITIONER Cole Truebenbach

REQUEST **Special Exception/Conditional Use** for a CAFO in an Agriculture Preservation District (AG-P).

LEGAL DESCRIPTION SE1/4 of Section 2-T127N-R62W of the 5th P.M., Brown County, South Dakota

LOCATION 10653 399th 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)

REPORTED BY Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for change of ownership of an existing Concentrated Animal Feeding Operation in an Agriculture Preservation District (AG-P).

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: July 6, 2020
RECEIPT # 140083
TOWNSHIP: Greenfield Twp

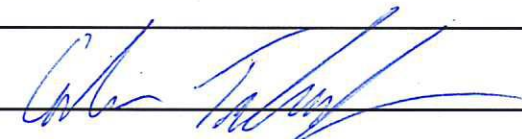
FEE: \$200.00
PAID: YES / NO / CHK / CASH
DATE: 7-7-20

OWNERS SIGNATURE: Cole Truebenbach
OWNERS ADDRESS: 10653 399th Ave
OWNERS CITY, STATE, ZIP: Hecla, SD 57446
OWNERS PHONE: 605-228-1871

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

REQUEST: A Conditional Use for change of ownership of an existing Concentrated Animal Feeding Operation in an Agriculture Preservation District (AG-P)

LEGAL DESCRIPTION: SE1/4 of Section 2-T127N-R62W of the 5th P.M., Brown County, South Dakota

SIGNATURE: 

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: July 21, 2020 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

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 July 21, 2020 at 7:00 pm for the purpose of a Change of Ownership on an existing Feedlot.

Petitioner & owner: Cole Truebenbach

Description of property: SE1/4 of Section 2-T127N-R62W OF THE 5TH p.m., Brown County, South Dakota (10653 399th Ave).

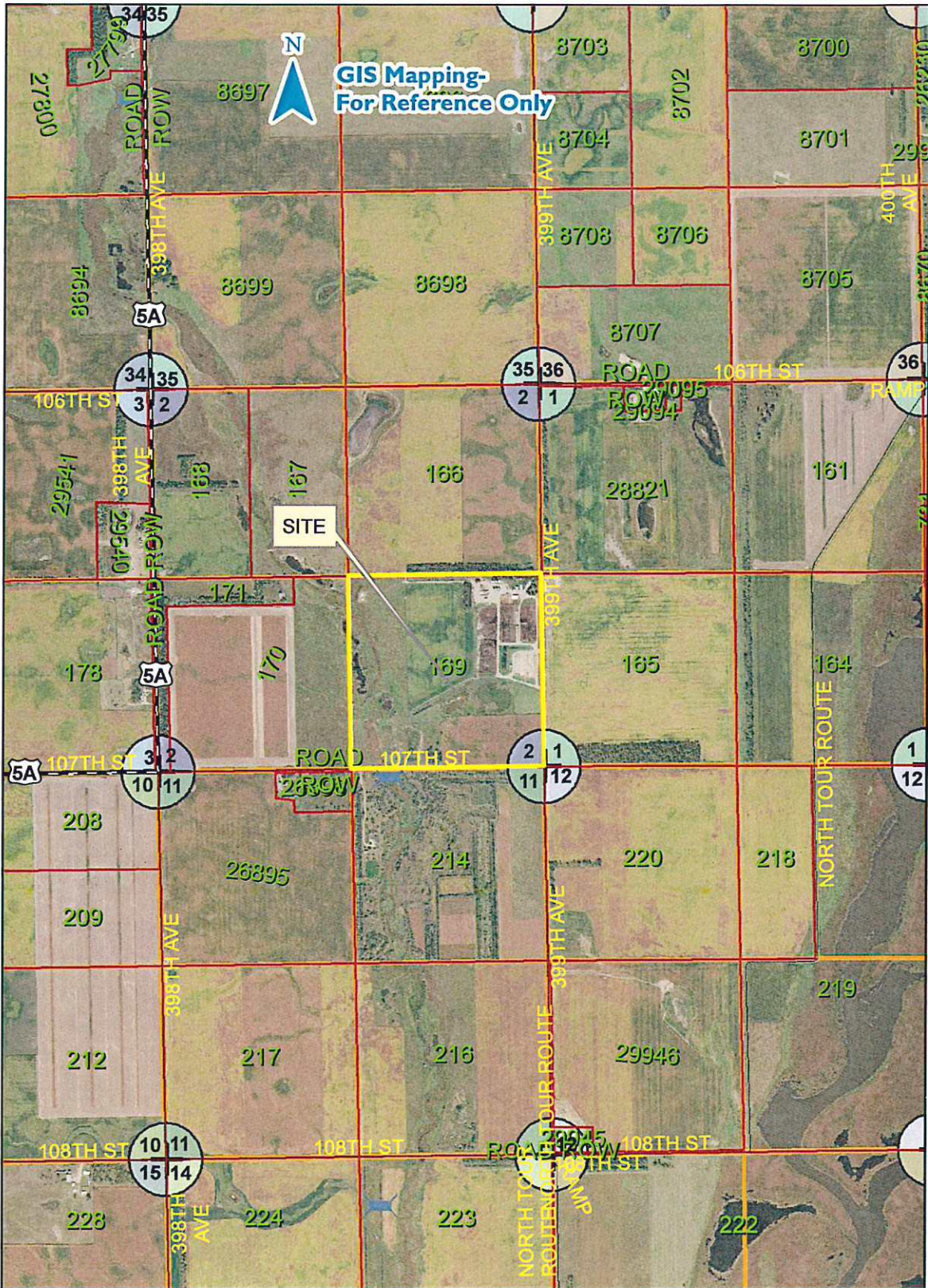
Reason: Per 4.3204 Concentrated Animal Feeding Operation: Changing ownership of an existing cattle feedlot.

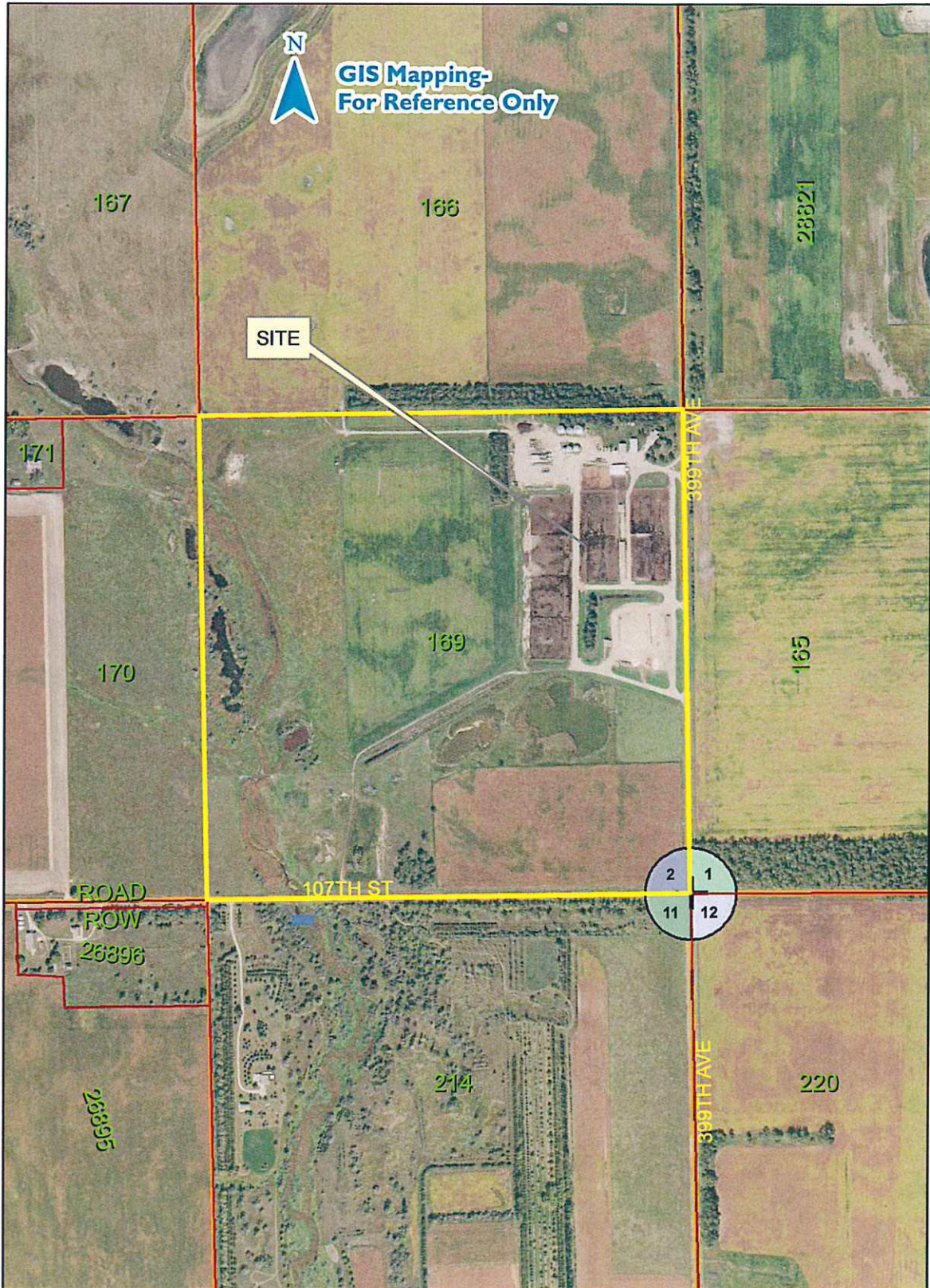
The public is invited to attend the hearing and to present comments and testimony regarding the proposed Special Exception/Conditional Use.

Dated this July 8, 2020

Planning/Zoning Commission
Attn: Scott Bader
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.





STAFF REPORT

July 21, 2020

REZONE PARCEL from an AG-P District

ITEM # 20

GENERAL INFORMATION

PETITIONER	Amber Brewer
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	East 30 Rods of South 55 Rods in the SE1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	12891 388 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 rezone from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) to bring into compliance.

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to 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 July 21, 2020 at 7:00 p.m. for the purpose of Rezoning from *Agricultural Preservation District (AG-P)* to *Mini Agricultural District (M-AG)*

Owner & Petitioner: Robert & Amber Brewer

Description of property: East 30 Rods of the South 55 Rods in the SE1/4 of Section 25-T124N-R64W except land deeded of the 5th P.M., Brown County, South Dakota (12891 388th Ave).

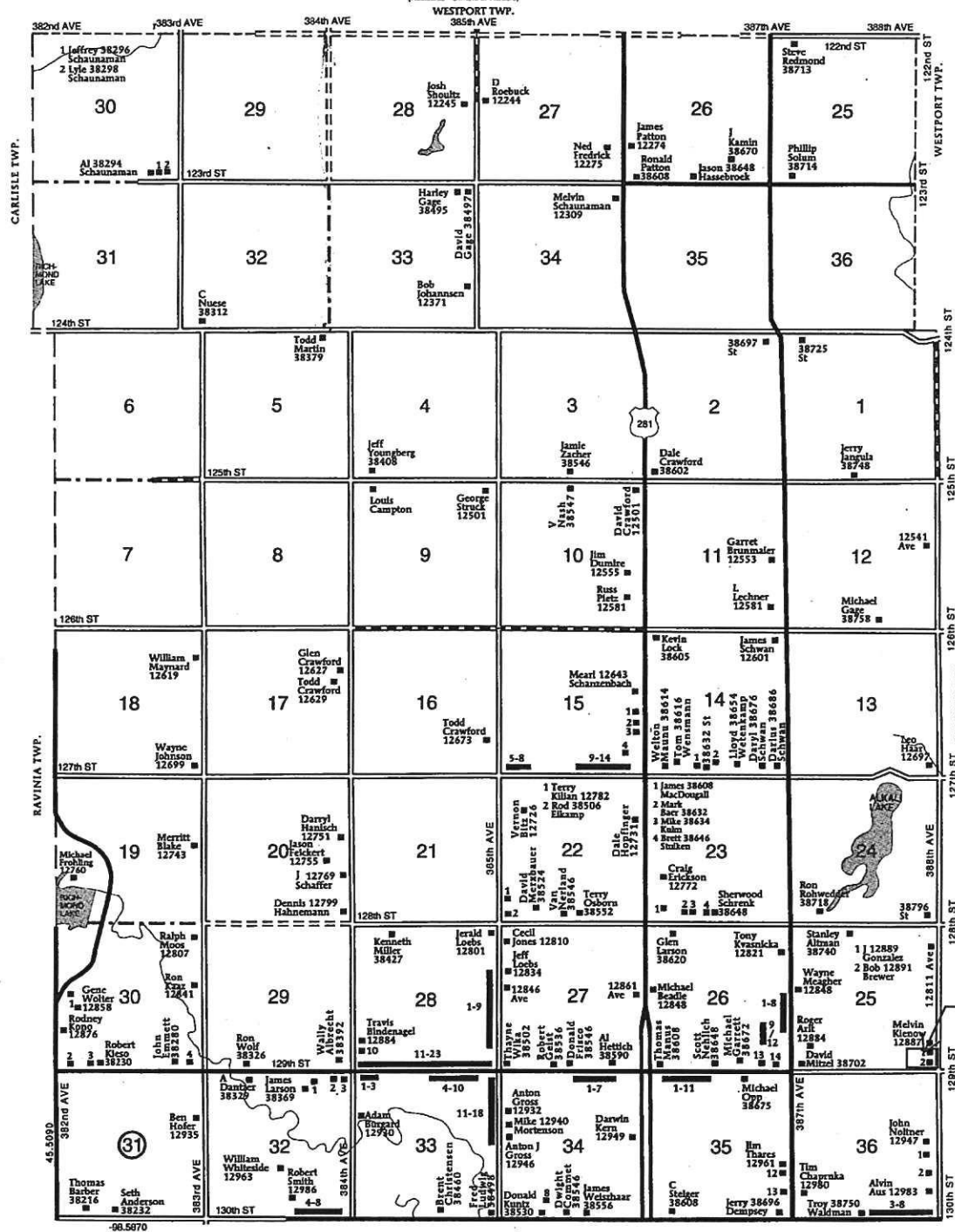
Reason: Rezone from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) to bring into compliance.

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

Dated this 8th day of July 2020

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

Published once at the total approximate cost of _____.



LINCOLN TOWNSHIP

- SECTION 14**
 1 Adams, John 38630
 2 Mount, Bill 38634
- SECTION 15**
 1 Schaunaman, Chad 12657
 2 Berg, Tom 12663
 3 Heath, Pat 12667
 4 Klesz, Marvin 12685
 5 Huettl, Roger 38502
 6 Klapperich, Ed 38504
 7 Frohling, Leslie 38512
 8 Moore, Joe 38518
 9 Williams, Eugene 38552
 10 Black, Casey 38556
 11 Mitzel, Michael 38560
 12 Malsam, Adam 38570
 13 Nelson, Mark 38574
 14 Roso, R 38576

SECTION 26S

- 1 Wetenkamp, Lloyd D 12847
 2 Hedges, Kendall 12849
 3 Labay, Richard 12851
 4 Kolb, Myron 12855
 5 12857
 6 Wacholz, B 12861
 7 Simonson, Lee 12869
 8 Rychlik, Jerald 12875
 9 Keller, Mike 12862
 10 Stein, Craig 12866
 11 Hedge, Duane 12870
 12 Call, Ty 12874
 13 Wahl, Merle 38686
 14 Punt, Lawayne 38690
- SECTION 28S**
 1 Drageset, Jamle 12833
 2 Adoli, Gregory 12839
 3 Hoeltzner, Curtis 12843
 4 Wilkie, Chad 12845
 5 Carlson, Cartor 12853

SECTION 30S

- 8 Vining, Brad 12861
 7 Aman, Dwight 12871
 8 Kotzea, D 12881
 9 Nordstrom, Allen 12891
 10 Hauge, Chad 12888
 11 Blitz, Marvin 38404
 12 Gab, Dale 38406
 13 Blitz, Sheldon 38412
 14 Hammrich, Marc 38414
 15 Bellikka, Neil 38424
 16 Nelber, Danny 38434
 17 Jakober, Glen 38452
 18 Buechler, Todd 38460
 19 Siefken, Lon 38464
 20 Habeck, F 38474
 21 Kamm, Casey 38478
 22 Whitney, Charles 38484
 23 Peterson, Kenneth 38488
- SECTION 30S**
 1 Podoli, M 12852
 2 Schlager, Gene 38206

AREDEEN TWP.

- 3 38228
 4 Mandel, Lonnie 38294
- SECTION 32S**
 1 Lehr, Cary 38373
 2 Otto, Randall 38393
 3 Gosvener, Ken 12901
 4 Martinmaas, Roger 38364
 5 Thorstenson, Casey 38370
 6 Harms, Bruce 38374
 7 Hartung, Mark 38386
 8 Keller, Edward 38392
- SECTION 33S**
 1 Waltman, Frank 38405
 2 Malsam, Ervin 38409
 3 Krueger, Gerald 38413
 4 Burt, Roy 38453
 5 Sutton, Duane 38459
 6 Aman, Bonnie 38463
 7 Hagmann, Rick 38469
 8 Albie, M 38479

SECTION 34S

- 9 Feickert, Dennis 38485
 10 Foss, Kevin 38489
 11 Martel, Don 12903
 12 Entzel, Ernest 12907
 13 Malsom, Bob 12909
 14 Falken, Jess 12915
 15 Skott, Randy 12921
 16 Kurtz, B 12927
 17 Gross, Joe 12941
 18 Schlosser, Rudolph 12945
- SECTION 34S**
 1 Hartung, John 38549
 2 Shilman, Larry 38557
 3 Tarrell, Ron 38559
 4 Odde, N 38563
 5 Volzke, Randy 38587
 6 Malsam, Melvin 38589
 7 Igo, Loren 38591
 8 Ritter, Loren 38534
- SECTION 35S**
 1 Fordham, Donald 38621

SECTION 36S

- 2 Luitjens, Mark 38631
 3 Hollan, Ray 38635
 4 Hendrickson, J 38649
 5 Aniker, Alvin 38655
 6 Malsam, Joe 38629
 7 Hanley, Tom 38630
 8 Fix, Jeffrey 38637
 9 Binder, Brandon 38643
 10 Mercer, V 12911
 11 Tchida, Mervin 12914
 12 Thares, Clark 12969
 13 Diede, James 12979
- SECTION 36S**
 1 Dalager, John 12953
 2 Hinds, Bill 12971
 3 Waldman, Clarence 38756
 4 Waldman, Galen 38762
 5 Pence, Bryan 38766
 6 Cowan, Richard 38770
 7 Lonning, Stuart 38782
 8 Bock, Jeff 38792

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7/6/20
Receipt: 146079
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:

East 30 Rods of South 55 Rods in the SE 1/4 of Section 25-T124N-R64W except land deeded of the
5th P.M., Brown County, South Dakota

General Area Location or Street Address: 12891 388th Ave

From the Agricultural Preservation **District**
To the Mini Agricultural **District**

Purpose: Bring it in to compliance

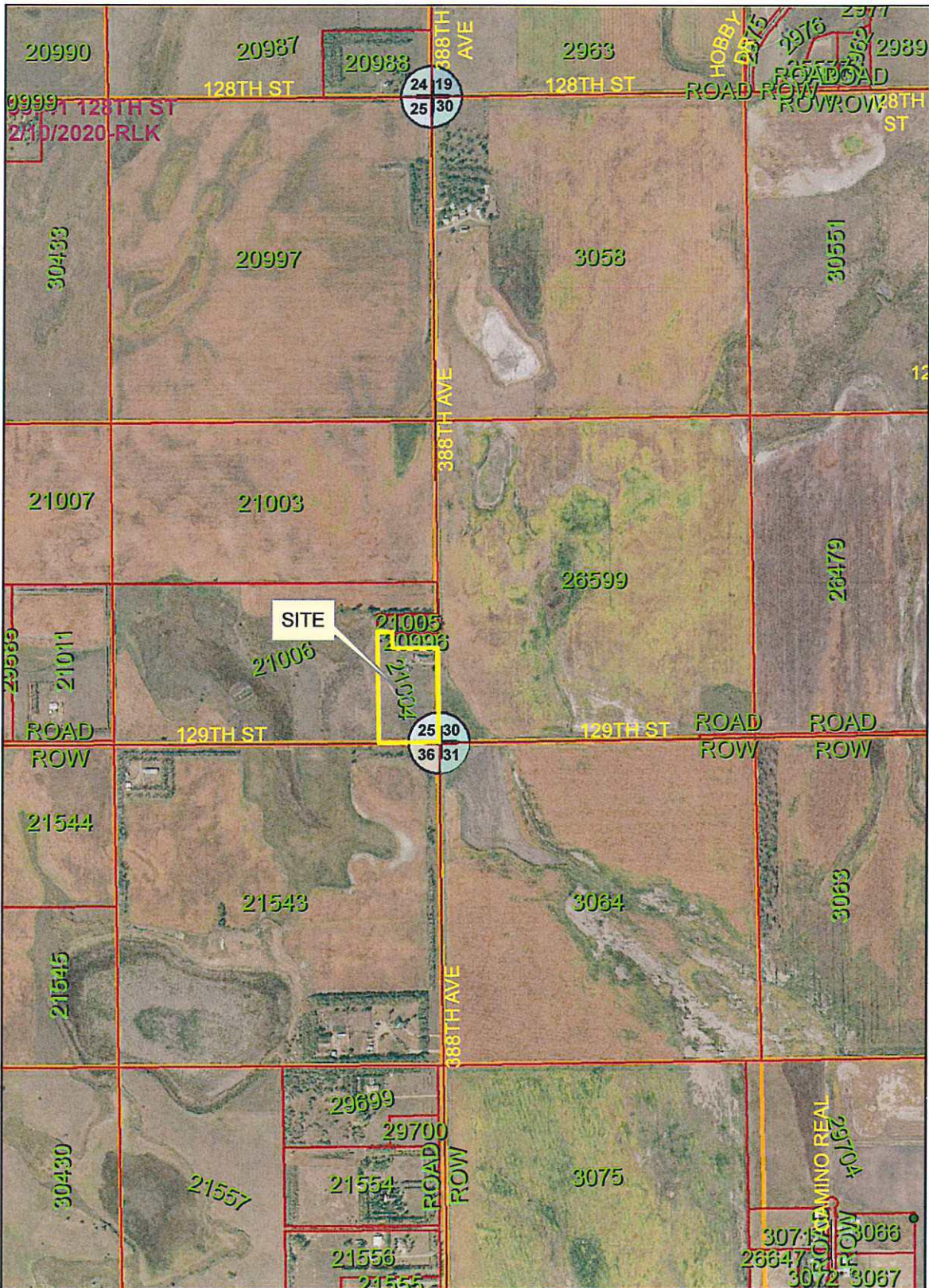
Size of Parcel: 8.95 Acres

Existing Land Use: Residential

Petitioner: (Print) Amber Brewer
Signature: Amber Brewer
Date: 7/6/20 Phone: 605-290-1219
Address: 12891 388th Ave
Aberdeen, South Dakota 57401
City State Zip

Owner: (Print) Robert Brewer
Signature: _____
Date: _____ Phone: _____
Address: 12891 388th Ave
Aberdeen, South Dakota 57401
City State Zip

Additional Signatures may be submitted on a separate page.





STAFF REPORT

July 21, 2020

REZONE PARCEL from an AG-P District

ITEM # 21

GENERAL INFORMATION

PETITIONER Randy Bierle

REQUEST **Petition to Rezone property**

LEGAL DESCRIPTION Lot 2, "HAPI 2020-1 Subdivision"
in the NE1/4 of the NW1/4 of Section 6-T123N-R63W
of the 5th P.M., Brown County, South Dakota

LOCATION 1522 130th St NE

EXISTING ZONING Agriculture Preservation District (AG-P)

SURROUNDING ZONING
North: Agriculture Preservation District (AG-P)
South: Mini Agriculture District (M-AG)
East: Residential District (R-1)
West: Mini Agriculture District (M-AG)

PUBLIC UTILITIES WEB Water

REPORTED BY Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) for conveyance purposes.

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to 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 July 21, 2020 at 7:00 p.m. for the purpose of Rezoning from *Agricultural Preservation District (AG-P)* to *Mini Agriculture District (M-AG)*.

Owner & Petitioner: Randy Bierle

Description of property: Lot 2 "HAPI 2020-1 Subdivision" in the NE1/4 of the NW1/4 of Section 6-T123N-R64W of the 5th P.M., Brown County, South Dakota (1522 130th St NE).

Reason: For conveyance purposes

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

Dated this 8th day of July 2020

Planning/Zoning Commission
Scott Bader – P&Z Director
25 Market St.
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: 6-30-28
Receipt: 140067
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, HAPI 2020-1 Subdivision in the NE1/4 NW1/4 of Section 6-T123N-R63W
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 1522 130th Street NE

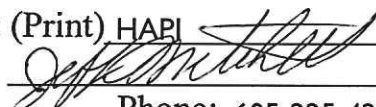
From the Agriculture Preservation District

To the Mini-Agriculture District

Purpose: Conveyance

Size of Parcel: 6.15 acres

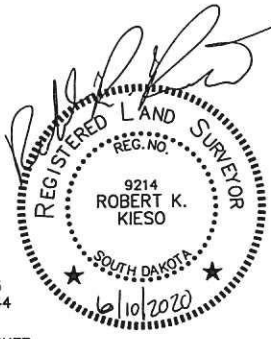
Existing Land Use: Residential

Petitioner: (Print) HAPI
Signature: 
Date: _____ Phone: 605-225-4274
Address: 320 S Main Street
Aberdeen, SD 57401
City State Zip

Owner: (Print) Randy Bierle
Signature: _____
Date: _____ Phone: _____
Address: 1522 130 th Street
Aberdeen, SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

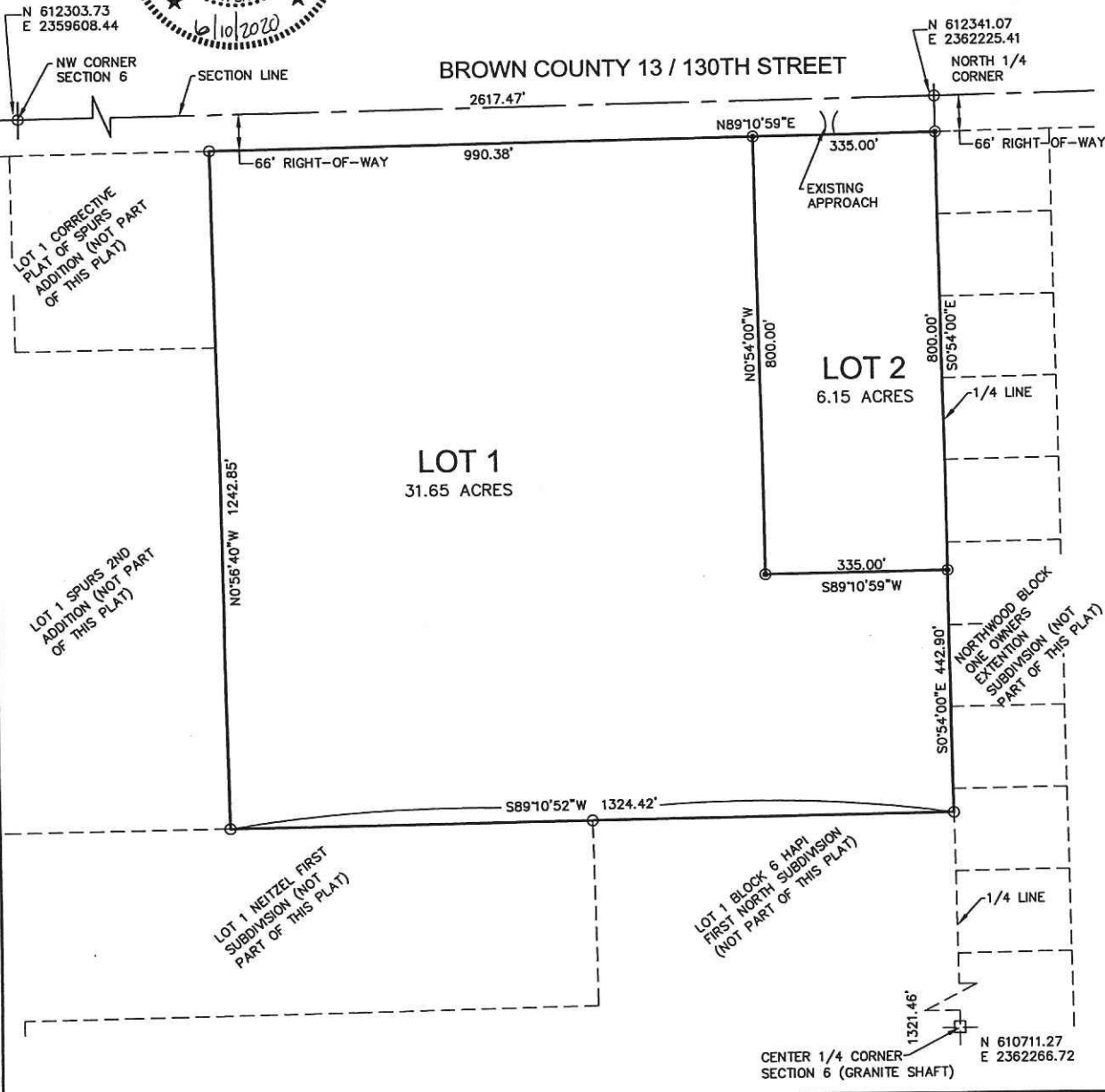
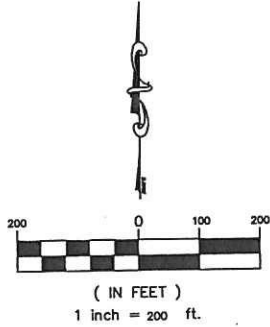


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011)
DISTANCES ARE GROUND



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
HAPI 2020-1 SUBDIVISION
IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF RANDY R. BIERLE AND JANELLE A. BIERLE AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 19, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 10th DAY OF June 2020


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE 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; HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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____.

PREVIOUSLY DESCRIBED AS: NE 1/4 NW 1/4 OF SECTION
6-T123N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

RANDY R. BIERLE

JANELLE A. BIERLE

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RANDY R. BIERLE AND JANELLE A. BIERLE KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY 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: _____

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 HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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
HAPI 2020-1 SUBDIVISION
IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 IN HANGING PLATS NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

STAFF REPORT

July 21, 2020

REZONE PARCEL from an AG-P District

ITEM # *22*

GENERAL INFORMATION

PETITIONER	Bradley Gabler / Brian Brakefield
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	Lot 1 & 2, Gabler-Brakefield Addition in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota; Lot 1, "Johnson South Subdivision" and Lot 1, "Johnson South 2 nd Subdivision" in the NE1/4 of Section 22-T122N-R64W
LOCATION	38585 139 th St (Gabler) / 38579 139 th St. (Brakefield)
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 from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) for conveyance purposes.

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to 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 July 21, 2020 at 7:00 p.m. for the purpose of Rezoning from *Agricultural Preservation District (AG-P)* to *Mini Agriculture District (M-AG)*.

Owner & Petitioner: Bradley Gabler and Brian Brakefield

Description of property: Lots 1 & 2 "Gabler-Brakefield Addition" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (38585 139th Street) and Lot 1 "Johnson South Subdivision"; Lot 1 "Johnson South 2nd Subdivision in the NE ¼ of Sec 22-T122N-R64W of the 5th P.M., Brown County, South Dakota.

Reason: For conveyance purposes

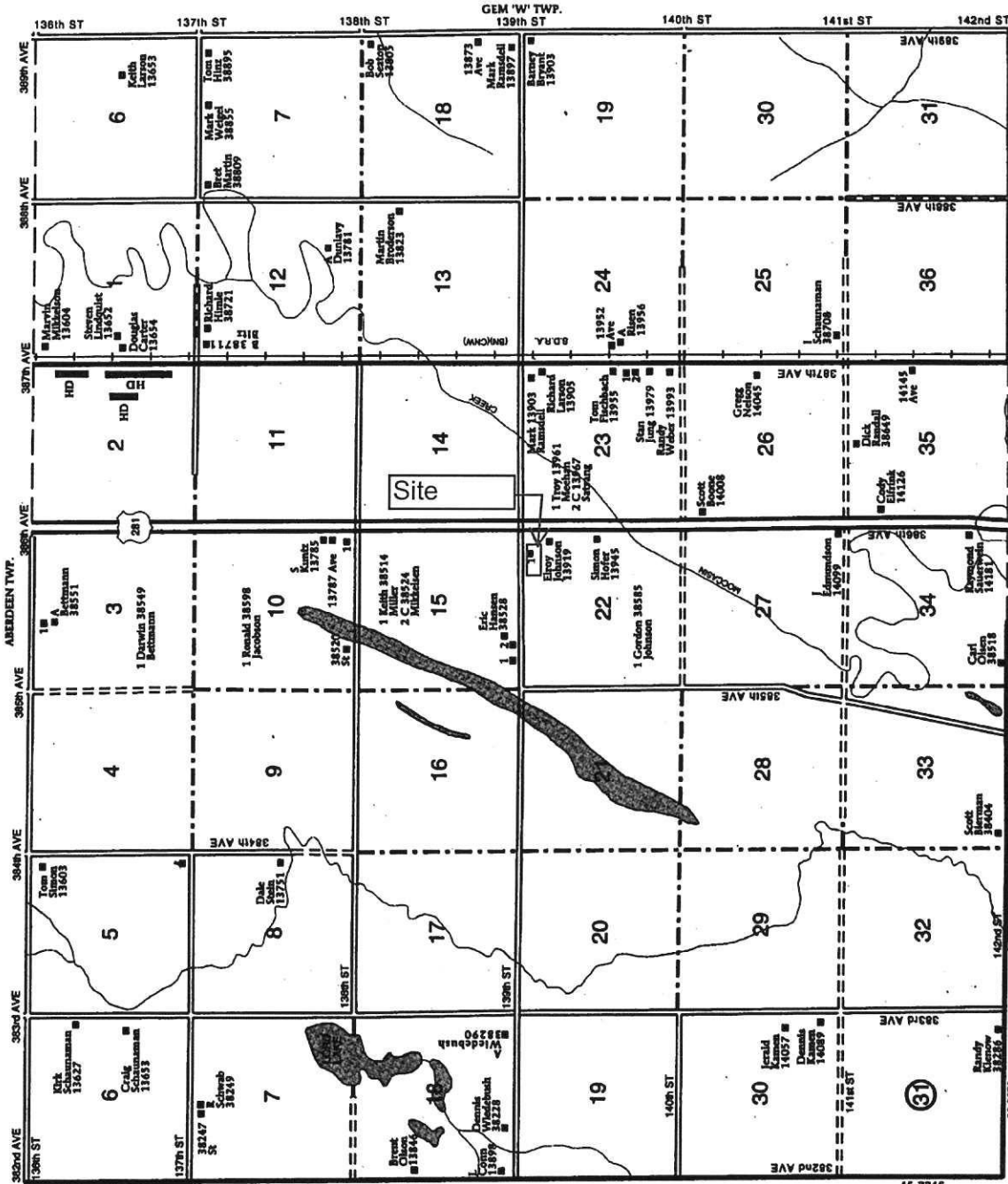
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date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

Dated this 8th day of July 2020

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

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)



HIGHLAND TWP.

45.3346

WARNER 'S' TWP.

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7-2-20
Receipt: 140072
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:

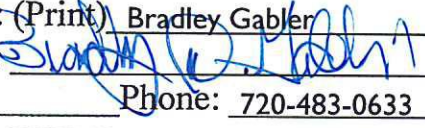
Legal Description:

Lot 1 & 2 Gabler-Brakefield Addition in the NE1/4 of Section 22-T122N-R64W
of the 5th P.M., Brown County, South Dakota; Lot 1, "Johnson South Subdivision" and
Lot 1, "Johnson South 2nd Subd.", in the NE1/4 of Section 22-T122N-R64W

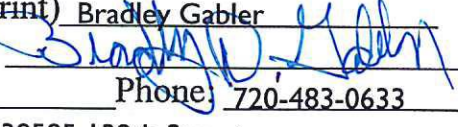
General Area Location or Street Address: 38585 139th Street
From the Agricultural Preservation District
To the Mini Agricultural District

Purpose: For Conveyance
Size of Parcel: Lot 2 = 2.00 Ac; Lot 1 = 6.00 Ac (Gabler) Lot 1 = 2 Ac; Lot 1=2Ac (Brakefield)
Existing Land Use: Residential

Petitioner: Brian Brakefield
Signature: 
Date: _____ Phone: 605-216-5766
Address: 38579 139th Street
Aberdeen, SD 57401

Petitioner: (Print) Bradley Gabler
Signature: 
Date: _____ Phone: 720-483-0633
Address: 38585 139th Street
Aberdeen, SD 57401
City State Zip

Owner: Brian Brakefield
Signature: 
Date: _____ Phone: 605-216-5766
Address: 38579 139th Street
Aberdeen, SD 57401

Owner: (Print) Bradley Gabler
Signature: 
Date: _____ Phone: 720-483-0633
Address: 38585 139th Street
Aberdeen, SD 57401
City State Zip

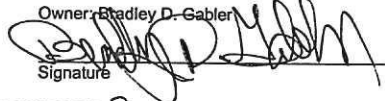
Additional Signatures may be submitted on a separate page.

PLAT SHOWING
GABLER-BRAKEFIELD ADDITION
 IN THE NE1/4 OF SECTION 22,
 TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Bradley D. Gabler, do hereby certify that I am the owner of Lot 2, Johnson South Subdivision in the Northeast Quarter (NE1/4) of Section Twenty-Two (22), Township One Hundred Twenty-Two (122) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota (WARRANTY DEED filed 9-4-2018 and duly recorded in Book 303 Deeds, Page 44), and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Bradley D. Gabler, do hereby VACATE Lot 2, Johnson South Subdivision in the Northeast Quarter (NE1/4) of Section Twenty-Two (22), Township One Hundred Twenty-Two (122) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on the 26th day of July, 2007 at 3:20 P.M. and duly recorded as Hanging Plat No. 2339H.


Owner: Bradley D. Gabler

 Signature _____

Signed this 17 day of JUNE, 2020.

COUNTY OF Brown)
) SS
 STATE OF South Dakota)

On this the 17 day of June, 2020, before me, Lara Swisher, the undersigned officer, personally appeared Bradley D. Gabler, known to me or satisfactorily proven to be the person whose name Bradley D. Gabler, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: MY COMMISSION EXPIRES NOVEMBER 6, 2025

 Notary Public _____

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 15th day of JUNE, 2020.



TOWNSHIP HIGHWAY APPROVAL

"Access to 139th Street is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020. _____
 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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 _____, 2020.

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST 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 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST 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."

PREPARED BY:

	now 	3314 Milwaukee Ave NE, Suite 2 Aberdeen, SD 57401 Phone: (605) 225-3494 Fax: (605) 225-5433	EOE
---	---	--	-----

PLAT SHOWING
GABLER-BRAKEFIELD ADDITION
IN THE NE1/4 OF SECTION 22,
TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST 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 lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this 17 day of June, 2020.

Cynthia Meyer, Deputy Treasurer
County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2020, at _____ O'clock ___ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE



STAFF REPORT

July 21, 2020

PRELIMINARY & FINAL PLAT

ITEM # 23

GENERAL INFORMATION:

PETITIONER: Keith Rath

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Lot 1, Mestas Second Addition in the SW 1/4 of Section 26-T124N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 12890 Laura Ln

TOWNSHIP: LincolnTwp

EXISTING ZONING: Mini Agriculture District (M-AG)

SURROUNDING ZONING:

North:	Mini Agriculture District (M-AG)
South:	Mini Agriculture District (M-AG)
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 Preliminary and Final plat for conveyance purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Mestas Second Addition

QUARTER: SW SECTION: 26 TOWNSHIP: 124 RANGE: 64

LOTS 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Keith Rath

OWNERS NAMES: Sheila Rath

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Keith Howe

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$ 100.00 DATE PAID: 06 / 22 / 2020

RECEIVED BY PLANNING DEPARTMENT: 06 / 22 / 2020 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ 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 _____

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 X

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: JUNE 22, 2020
RECEIPT # 140054
TOWNSHIP: LINCOLN TWP

FEEES: 100.00
PAID: YES/NO CHK/CASH
DATE: 6/22/20

OWNERS SIGNATURE: KEITH RATH * Keith Rath
OWNERS ADDRESS: 2402 S. USHWY 281
OWNERS CITY, STATE, ZIP: ABERDEEN, SD 57401
OWNERS PHONE: 228-0757 (cell)

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

REQUEST: PRELIMINARY & FINAL PLAT

LEGAL DESCRIPTION: LOT 1, "MESTAS SECOND ADDITION"
IN THE SW 1/4 OF SECTION 26 - T194N - R64W
OF THE 5TH PM BROWN COUNTY, SD

Planning Commission Action: Approved / Denied _____

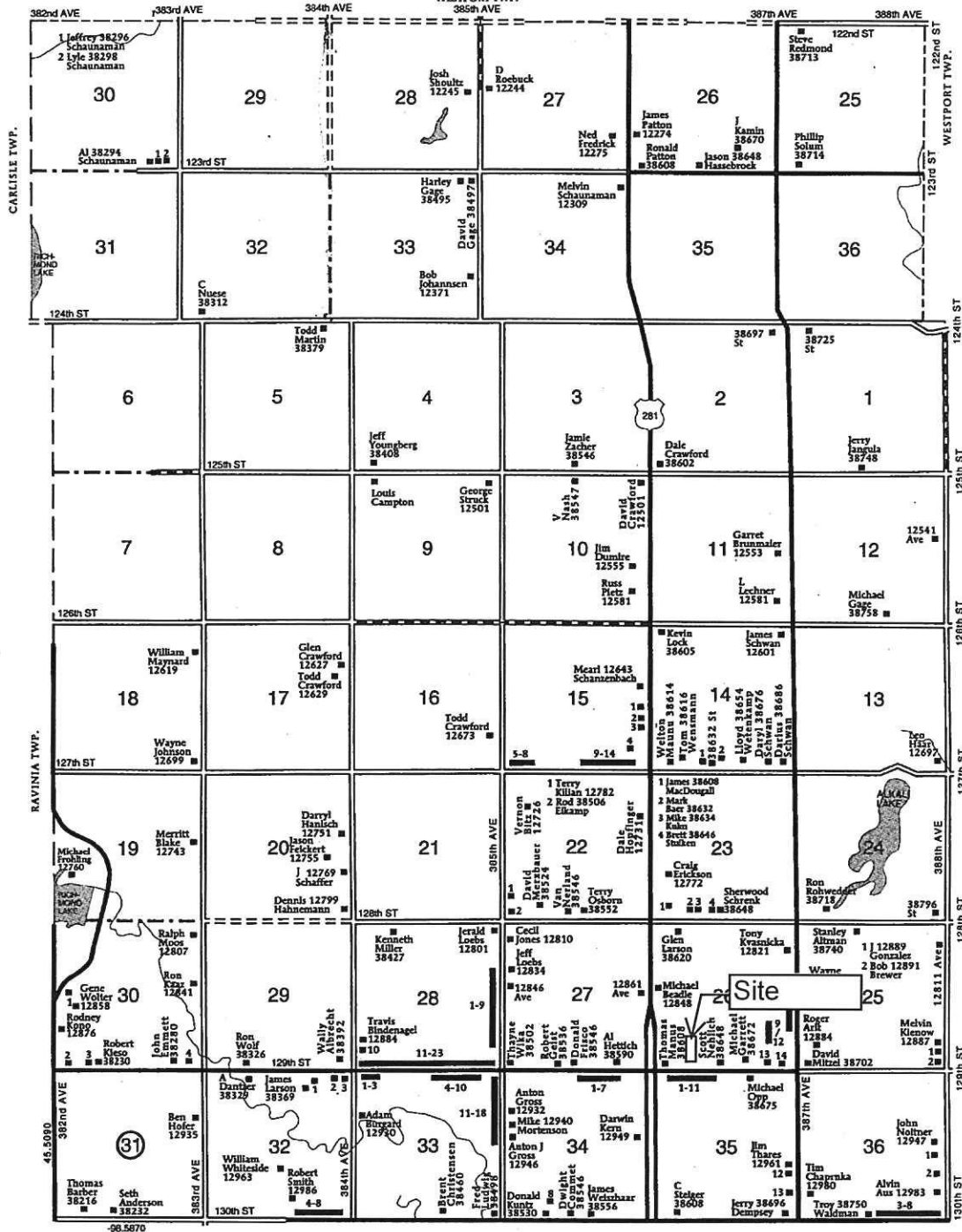
By: _____ Date: _____

HEARING DATE: July 21, 2020 TIME: 7:00pm

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



LINCOLN TOWNSHIP

SECTION 14

- 1 Adams, John 38630
- 2 Mount, Bill 38634

SECTION 15

- 1 Schaumann, Chad 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Kiesz, Marvin 12685
- 5 Huetti, Roger 38502
- 6 Klapprich, Ed 38504
- 7 Frothing, Leslie 38512
- 8 Moore, Joe 38518
- 9 Williams, Eugene 38552
- 10 Black, Casey 38556
- 11 Mitzel, Michael 38560
- 12 Malsam, Adam 38570
- 13 Nelson, Mark 38574
- 14 Roso, R 38576

SECTION 26S

- 1 Wetenkamp, Lloyd D 12847
- 2 Hedges, Kendall 12849
- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 12657
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Jerald 12875
- 9 Keller, Mike 12862
- 10 Stein, Craig 12866
- 11 Hedge, Duane 12870
- 12 Call, Ty 12874
- 13 Wahl, Merle 38686
- 14 Punt, Lawayne 38690
- 1 Drageset, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Carlson, Cartor 12853

SECTION 28S

- 1 Podoll, M 12852
- 2 Schlager, Gene 39206

SECTION 30S

- 1 Adam, Dwight 12891
- 2 Whitney, Charles 38484
- 3 Peterson, Kenneth 38488

SECTION 30S

- 1 Podoll, M 12852
- 2 Schlager, Gene 39206

SECTION 32S

- 3 38228
- 4 Mandel, Lonnie 38294
- 1 Lehr, Cary 38373
- 2 Otto, Randall 38393
- 3 Gosvener, Ken 12901
- 4 Martinmaas, Roger 38364
- 5 Thorstenson, Casey 38370
- 6 Harms, Bruce 38374
- 7 Hartung, Mark 38386
- 8 Keller, Edward 38392
- 1 Waltman, Frank 38405
- 2 Malsam, Ervin 38409
- 3 Krueger, Gerald 38413
- 4 Burt, Roy 38453
- 5 Sutton, Duane 38459
- 6 Aman, Bonnie 38463
- 7 Hagmann, Rick 38469
- 8 Allibe, M 38479

SECTION 32S

- 1 Vining, Brad 12861
- 7 Aman, Dwight 12871
- 8 Kotzea, D 12881
- 9 Nordstrom, Allen 12891
- 10 Hauge, Chad 12888
- 11 Blitz, Marvin 38404
- 12 Gab, Dale 38406
- 13 Blitz, Sheldon 38412
- 14 Hamrick, Marc 38414
- 15 Bellikka, Neil 38424
- 16 Nelber, Danny 38434
- 17 Jakober, Glen 38452
- 18 Buechler, Todd 38460
- 19 Siefken, Lon 38464
- 20 Habeck, F 38474
- 21 Kamm, Casey 38478
- 22 Whitney, Charles 38484
- 23 Peterson, Kenneth 38488

SECTION 33S

- 1 Waltman, Frank 38405
- 2 Malsam, Ervin 38409
- 3 Krueger, Gerald 38413
- 4 Burt, Roy 38453
- 5 Sutton, Duane 38459
- 6 Aman, Bonnie 38463
- 7 Hagmann, Rick 38469
- 8 Allibe, M 38479

SECTION 34S

- 1 Feickert, Dennis 38485
- 2 Foss, Kevin 38489
- 11 Martel, Don 12903
- 12 Entzel, Ernest 12907
- 13 Malsam, Bob 12909
- 14 Falken, Jess 12915
- 15 Skott, Randy 12921
- 16 Kurtz, B 12927
- 17 Gross, Joe 12941
- 18 Schlosser, Rudolph 12945
- 1 Hartung, John 38549
- 2 Shilman, Larry 38557
- 3 Tarell, Ron 38559
- 4 Odde, N 38563
- 5 Volzke, Randy 38587
- 6 Malsam, Melvin 38589
- 7 Igo, Loren 38591
- 8 Ritter, Loren 38534
- 1 Fordham, Donald 38621

SECTION 34S

- 1 Terry, Kilian 12782
- 2 Mark, Sae 38632
- 3 Mike 38634
- 4 Eric 38646
- 1 James 38608
- 2 MacDonnell
- 3 Mark 38632
- 4 Eric 38646
- 1 James 38608
- 2 MacDonnell
- 3 Mark 38632
- 4 Eric 38646

SECTION 35S

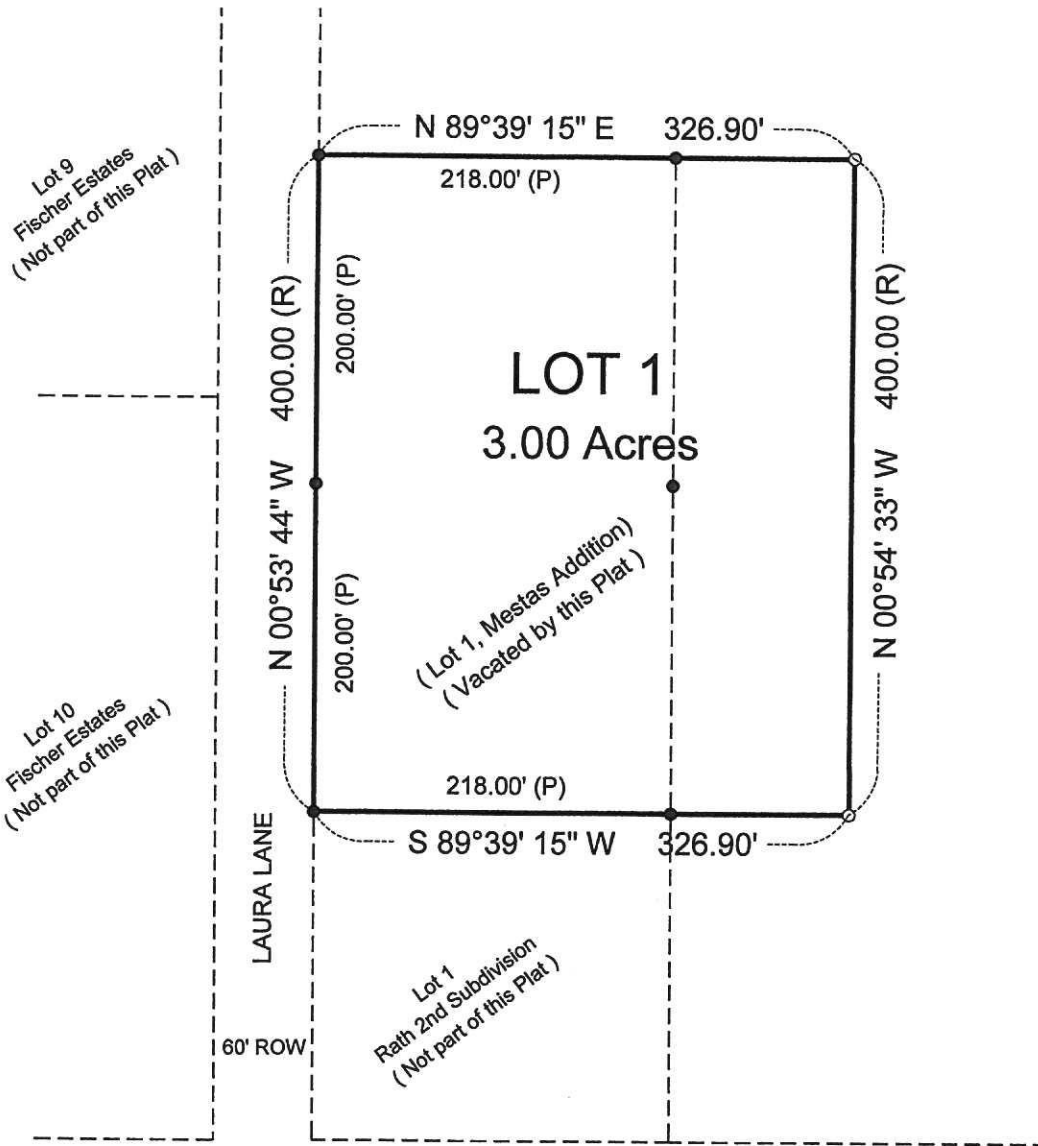
- 1 Luitjens, Mark 38631
- 2 Hollan, Ray 38635
- 4 Hendrickson, J 38649
- 5 Anliker, Alvin 38655
- 6 Malsam, Joe 38629
- 7 Hanley, Tom 38630
- 8 Fix, Jeffrey 38637
- 9 Binder, Brandon 38643
- 10 Mercer, V 12911
- 11 Tchida, Mervin 12914
- 12 Thares, Clark 12969
- 13 Diede, James 12979
- 1 Dalager, John 12953
- 2 Hinds, Bill 12971
- 3 Waldman, Clarence 38756
- 4 Waldman, Galen 38762
- 5 Pence, Bryan 38766
- 6 Cowan, Richard 38770
- 7 Lonning, Stuart 38782
- 8 Bock, Jeff 38792

PLAT OF MESTAS SECOND ADDITION

IN SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 124 NORTH
RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

VACATION STATEMENT: THIS PLAT VACATES LOT 1,

MESTAS ADDITION IN SW 1/4 26-124-64 PLAT # 3570




 SCALE: 1" = 75'

Brown Co. Hwy 13 - 129th Street



BASIS OF BEARINGS
WEST LINE OF LOT 1 MESTAS
ADDITION AS N 00° 53' 44" W

- LEGEND
- DENOTES IRON MONUMENT FOUND
 - DENOTES 5/8" IRON MONUMENT SET WITH CAP STAMPED HOWE LS 6574
 - (M) MEASURED DISTANCE
 - (P) PLATTED DISTANCE

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that Jerry Mestas and Carrie Mestas, owners of the following described property:

Lot 1, Mestas Addition in the Southwest Quarter of Section Twenty-Six (26), Township One Hundred Twenty-Four North (T. 124 N.) Range Sixty-Four West (R. 64 W.) of the Fifth Principal Meridian (5th P.M.), Brown County, South Dakota.

Have caused a part of the same to be platted as "MESTAS SECOND ADDITION" and do hereby certify that we are the qualified owner of a portion of the land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that I have requested the preparation of this plat in compliance with the laws for the State of South Dakota; in witness thereof said Jerry Mestas and Carrie Mestas, have set their hands this 22 day of June A.D., 2020.

Jerry Mestas
Jerry Mestas
Carrie Mestas
Carrie Mestas

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)SS

On this 22nd day of June A.D., 2020 before me, a Notary Public, personally appeared Jerry Mestas and Carrie Mestas who by me duly sworn, did say that they are the owners named in the foregoing instrument and that they acknowledged said instrument for the purpose therein stated.

Mary McInerney
Notary Public, My Commission Expires 8-20-22

KNOW ALL MEN BY THESE PRESENTS that Keith O. Rath and Sheila Rath, owners of the following described property:

The East Half (E1/2) of the West Half (W1/2) of the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Four North (T. 124 N.), Range Sixty-Four West (R.64W.) of the Fifth Principal Meridian (5th P.M.), except Lot 1, Mesatas Addition, except Lot 1, Rath 2nd Subdivision, Except Lots 1-3, Rath Subdivision, except Lot 1, Bjur 1st Subdivision, except the East 420 feet of the South 675 feet of the Southwest of said section, and except the land deeded for highway purposes, Brown County, South Dakota.

Have caused a part of the same to be platted as "MESTAS SECOND ADDITION" and do hereby certify that we are the qualified owner of a portion of the land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that I have requested the preparation of this plat in compliance with the laws for the State of South Dakota; in witness thereof said Keith O. Rath and Sheila Rath, have set their hands this 22nd day of June A.D., 2020.

Keith O. Rath
Keith O. Rath
Sheila Rath
Sheila Rath

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)SS

On this 22 day of June A.D., 2020 before me, a Notary Public, personally appeared Keith O. Rath and Sheila Rath who by me duly sworn, did say that they are the owners named in the foregoing instrument and that they acknowledged said instrument for the purpose therein stated.

Mary McInerney
Notary Public, My Commission Expires 8-20-22

SURVEYOR'S CERTIFICATE

I, Keith L. Howe, a Registered and Licensed Land Surveyor, do hereby certify that I have platted a tract of land as shown on the plat hereon drawn which hereafter shall be known as: "MESTAS SECOND ADDITION" in the SW 1/4 of Section 26, Township 124 North, Range 64 West of the 5th Principal Meridian, Brown County, South Dakota, and that said plat is in all respects true and correct.

Witness my hand and seal this 15th day of June A.D., 2020.

Keith L. Howe
Keith L. Howe, Land Surveyor
S.D. Reg. No. 6574



HIGHWAY AUTHORITY CERTIFICATE

I Dirk Rogals, Certify that I have reviewed the attached plat of MESTAS SECOND ADDITION, in the SW1/4 1/4 of Section 26, Township 124 North, Range 64 West of the 5th P.M., Brown County, South Dakota, and approve of in-place roads.

Dirk Rogals 6/18/2020
Highway Authority

PLANNING COMMISSION

I, _____, Secretary of the Planning Commission of the County of Brown, South Dakota, do hereby certify that the plat hereon drawn was presented to and approved by the Planning Commission of said County at its meeting on the _____ day of _____ A.D., 2020.

Secretary Planning Commission,
Brown County, South Dakota

RESOLUTION OF COUNTY COMMISSIONERS

It was moved by _____ and seconded by _____ and motion carried, that the plat as shown hereon and as described on the accompanying plat of "MESTAS SECOND ADDITION", in the SW 1/4 of Section 26, Township 124 North, Range 64 West of the 5th P.M., in Brown County, South Dakota, be approved and accepted and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same.

I, _____, County Auditor of Brown County, South Dakota, do hereby certify that the within and foregoing is a true and correct copy of the resolution adopted by the County Commission of Brown County, South Dakota at its meeting of _____.

Auditor, Brown County, South Dakota

TREASURER'S CERTIFICATE

I, _____, Treasurer of Brown County, South Dakota, do hereby certify that all the taxes which are liens upon any of the land included in the foregoing plat as shown by the records of said Treasurer's Office, have been fully paid.

Dated at Aberdeen, South Dakota this _____ day of _____ A.D., 2020.

Treasurer, Brown County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, _____, Director of Equalization of Brown County, South Dakota hereby certify that I have recorded a copy of this plat on this _____ day of _____ A.D., 2020.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS

I, _____, Register of Deeds of Brown County, South Dakota hereby certify that I have received the original copy of the attached plat on this _____ day of _____ A.D., 2020 at _____ o'clock ____M. and duly recorded in _____, page _____.

Register of Deeds, Brown County, South Dakota



STAFF REPORT

July 21, 2020

PRELIMINARY & FINAL PLAT

ITEM # 24

GENERAL INFORMATION:

PETITIONER: Randy Bierle

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Lot 2, "HAPI 2020-1 Subdivision" in the NW1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota

LOCATION: 1522 130th Street NE

TOWNSHIP: Aberdeen Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Mini Agriculture District (M-AG)
East:	Residential District (R-1)
West:	Mini Agriculture District (M-AG)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

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

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME HAPI 2020-I Subdivision

QUARTER: NE SECTION: 6 TOWNSHIP: 123 RANGE: 63

LOTS 1, 2, 3 1, 2 TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Randy Bierle

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: 06 / 18 / 2020

RECEIVED BY PLANNING DEPARTMENT: 06 / 18 / 2020 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

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 _____ TREASURER SIGNATURE LINE SIGNED _____

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: 06/18/20
RECEIPT # 140048
TOWNSHIP: Aberdeen Twp

FEES: \$100⁰⁰
PAID: (YES) (NO) (CHK) CASH
DATE: 6-18-20

OWNERS SIGNATURE: Randy Bierle *Randy Bierle*
OWNERS ADDRESS: 15221 130th NE
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____

AGENTS SIGNATURE: HAPI Homes *Jeff Mitchell*
AGENTS ADDRESS: 320 S Main St
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-225-4274

REQUEST: Preliminary and Final Plat

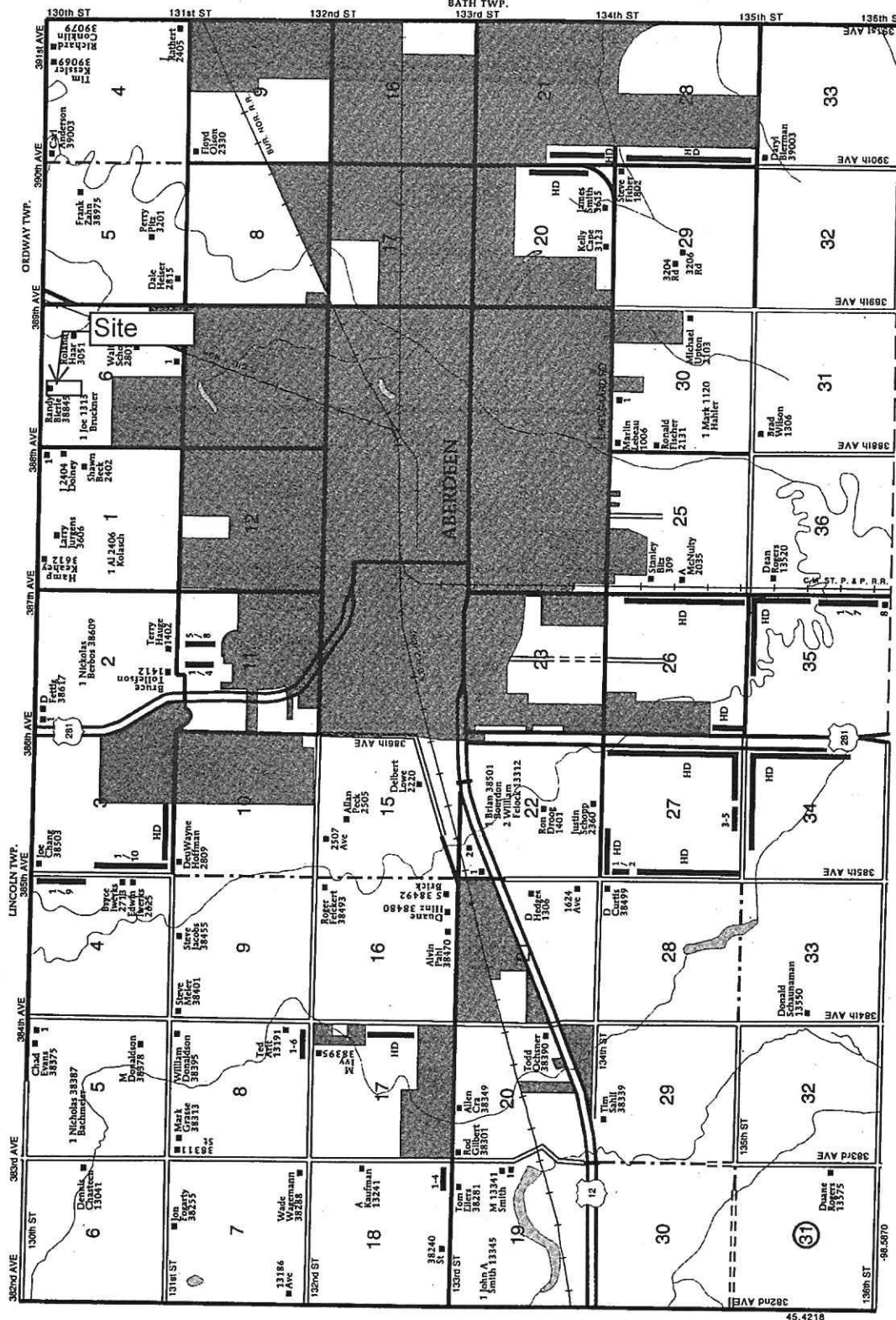
LEGAL DESCRIPTION: NE 1/4 of the NW 1/4 of Section 6-T123N-R63W of the 5th P.M.,
Brown County, South Dakota

Planning Commission Action: Approved / Denied _____	

By: _____	Date: _____
HEARING DATE: <u>July 21, 2020</u>	TIME: <u>7:00 pm</u>

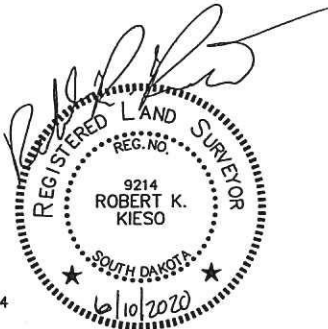
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)



- ABERDEEN TOWNSHIP
- SECTION 3
- 1 2724
 - 2 Smith, Douglas 2716
 - 3 Heintzman, Rob 2708
 - 4 2622
 - 5 Moss, Kevin 3221
 - 6 Vanderhoek, Corey 3213
 - 7 Goentring, Lareu 3205
 - 8 Dykema, Clay 3133
- SECTION 4W
- 1 Bobsert, Curt 2422
 - 2 Boltwerk, Donald 2402
- SECTION 8W
- 1 Blabee, Bruce 3229
 - 2 Moser, Kevin 3221
 - 3 Vanderhoek, Thomas 36374
 - 4 Felckert, David 36382
 - 5 Darling, Roger 36388
- SECTION 9W
- 1 Fisher, Paul 3125
 - 2 Retzlaff, Fred 3105
 - 3 Newman, Marty 3021
 - 4 Hulzenga, Arnold 2815
- SECTION 10W
- 1 Larson, Dan 2329
 - 2 Kokales, Joe 2327
 - 3 Lipp, Leon 2325
 - 4 Conrads, D 2323
 - 5 Retzer, Robert 2330
- SECTION 11E
- 1 Zimmerman, Kyle 36396
- SECTION 12E
- 1 Mauritzson, John 2324
 - 2 Voizke, Dennis 2322
- SECTION 18E
- 1 Eichinger, John 38280
 - 2 Dahme, Art 38282
 - 3 Wherry, Lavar 38290
 - 4 Dreis, K 38286
- SECTION 27
- 1 Hilgemann, Bryon 2328
 - 2 Mauritzson, John 2324
 - 3 Voizke, Dennis 2322
- SECTION 27E
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Robinson, Randall 13575
 - 6 Rahm, Marion 13578
 - 7 Schroh, Joseph 13583
 - 8 Fredrickson, Dale 38682
- SECTION 29
- 1 Thrash, Peter 13561
 - 2 Swanson, Eriean 13569
 - 3 Boeddeker, William 13573
 - 4 Robinson, Randall 13575
 - 5 Rahm, Marion 13578
 - 6 Schroh, Joseph 13583
 - 7 Fredrickson, Dale 38682
 - 8 Brako, Brad 13555
- SECTION 31
- 1 Brad Wilton 1386
- SECTION 32
- 1 3204 Rd
 - 2 3204 Rd
- SECTION 33
- 1 Michael Utton 1301
- SECTION 34
- 1 Mark 1120 Halter
- SECTION 35
- 1 Dean 135520
- SECTION 36
- 1 Stanley Bliz 309
 - 2 McNulty 2035
- SECTION 37
- 1 Brian 38501
 - 2 Feock 3312
- SECTION 38
- 1 Delbert 2305
 - 2 2307 Ave
 - 3 2307 Ave
 - 4 2307 Ave
 - 5 2307 Ave
 - 6 2307 Ave
 - 7 2307 Ave
 - 8 2307 Ave
 - 9 2307 Ave
 - 10 2307 Ave
- SECTION 39
- 1 Steve 38491
 - 2 Steve 38491
 - 3 Steve 38491
 - 4 Steve 38491
 - 5 Steve 38491
 - 6 Steve 38491
 - 7 Steve 38491
 - 8 Steve 38491
 - 9 Steve 38491
 - 10 Steve 38491
- SECTION 40
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 41
- 1 Duane 13575
- SECTION 42
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 43
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 44
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 45
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 46
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 47
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 48
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 49
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith
- SECTION 50
- 1 38240 St
 - 2 Tom 38281
 - 3 John 13345
 - 4 M 13241
 - 5 Smith

PLAT OF HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

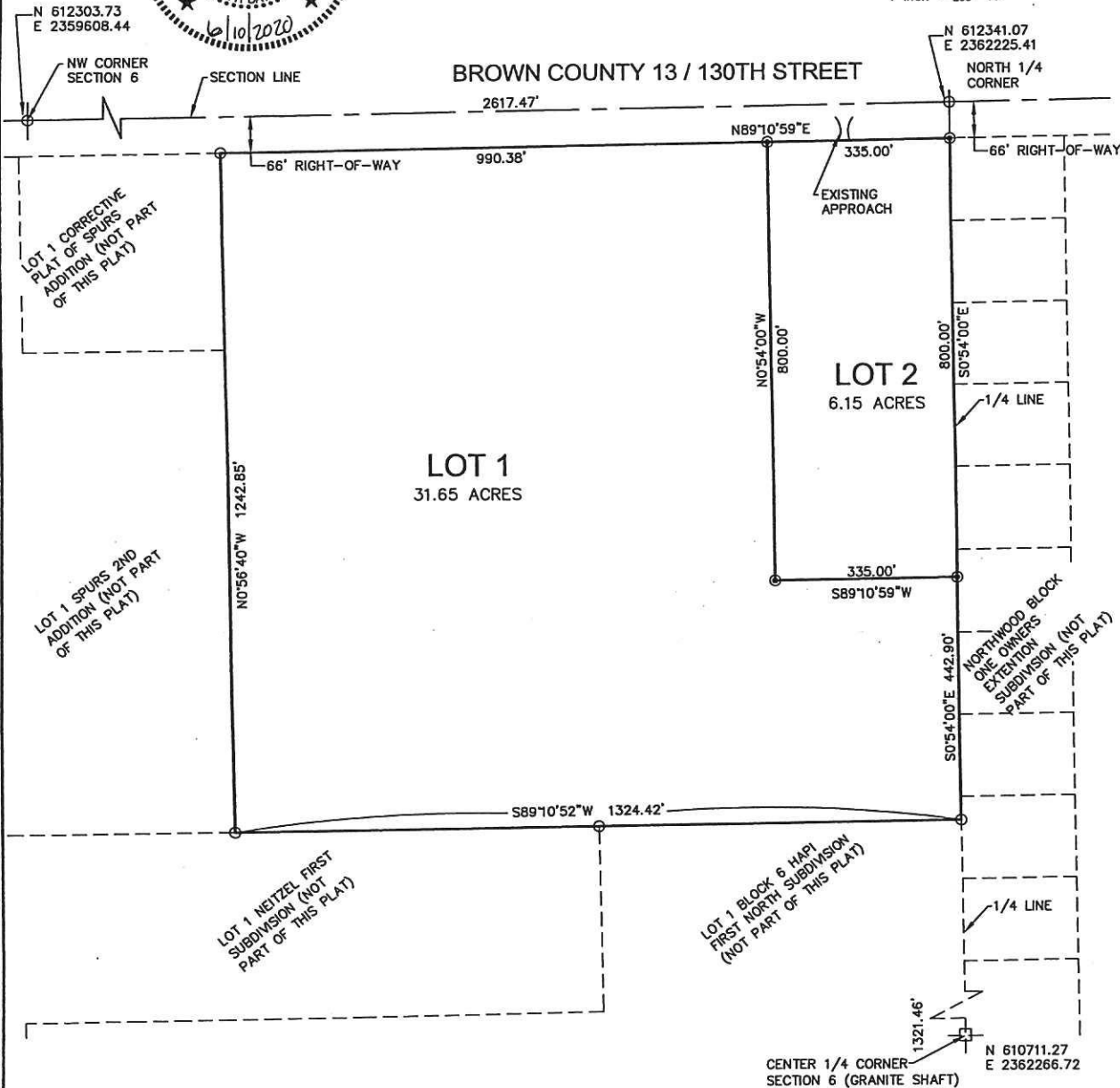
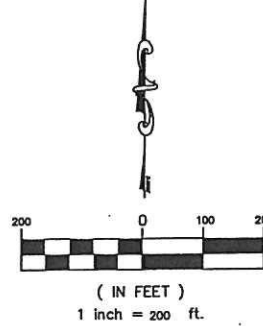


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011)
DISTANCES ARE GROUND



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
HAPI 2020-1 SUBDIVISION
IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF RANDY R. BIERLE AND JANELLE A. BIERLE AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 19, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 10th DAY OF June, 2020.


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE 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; HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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____.

PREVIOUSLY DESCRIBED AS: NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

RANDY R. BIERLE

JANELLE A. BIERLE

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RANDY R. BIERLE AND JANELLE A. BIERLE KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY 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: _____

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 HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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 HAPI 2020-1 SUBDIVISION IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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
HAPI 2020-1 SUBDIVISION
IN THE NE 1/4 NW 1/4 OF SECTION 6-T123N-R63W 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

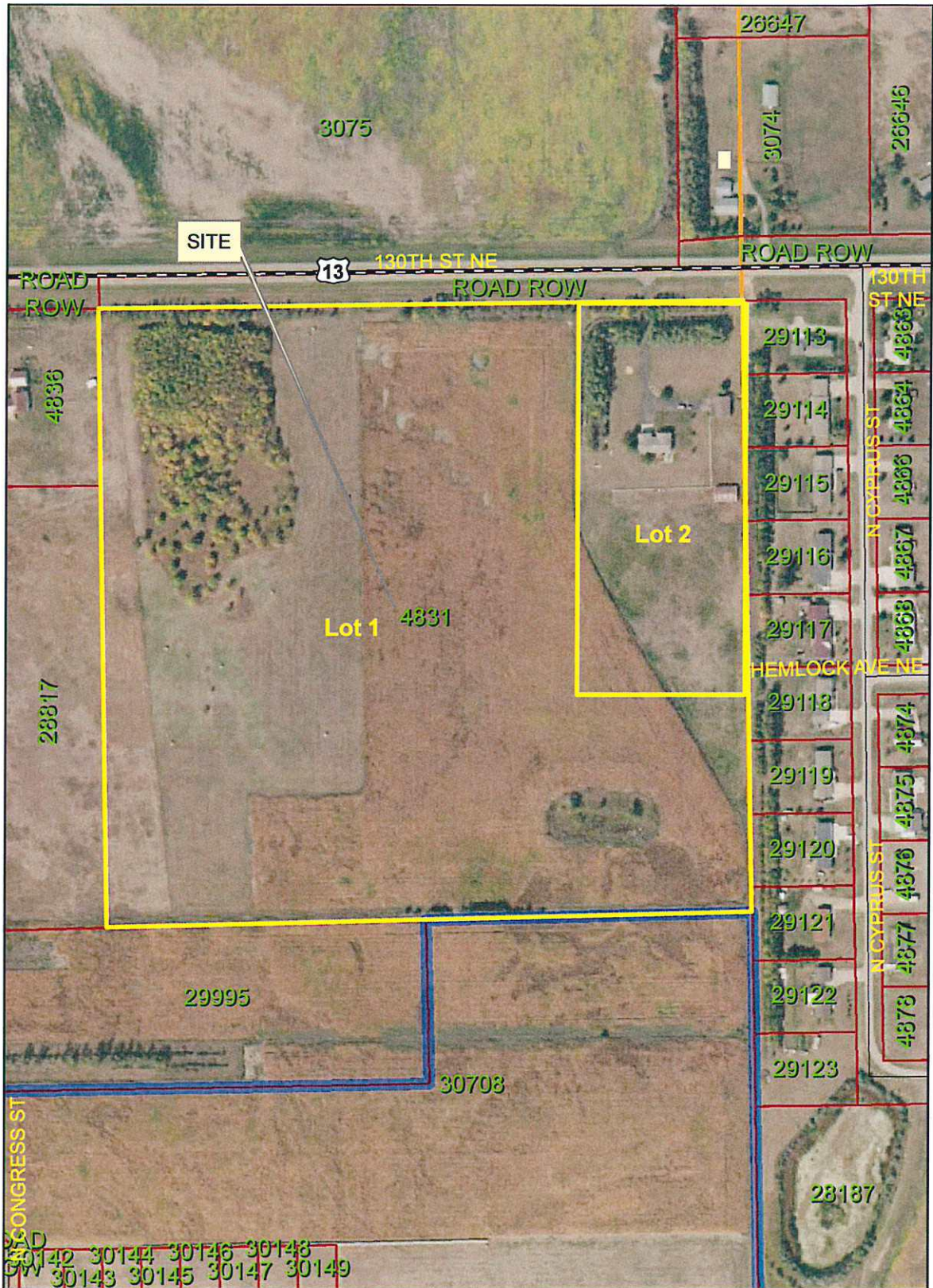
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS _____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK _____, AND DULY RECORDED IN HANGING PLATS NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



STAFF REPORT

July 21, 2020

PRELIMINARY & FINAL PLAT

ITEM # 25

GENERAL INFORMATION:

PETITIONER: Rodney Schoen

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Lot 1, "Schoen Addition" in the NW1/4 of Section 25-T121N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 38745 146th Street

TOWNSHIP: Warner Twp

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 financial purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Lot I, "Schoen Addition"

QUARTER: NW SECTION: 25 TOWNSHIP: 121 RANGE: 64

LOTS 1, 2, 3 I TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Rodney Schoen

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zach Remily (Clark Engineering)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x ~~\$1.00~~ TOTAL: \$ 100.00 DATE PAID: 07 / 06 /2020

RECEIVED BY PLANNING DEPARTMENT: 07 / 06 /2020 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

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

HIGHWAY SIGNATURE LINE SIGNED X

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: June 22, 2020
RECEIPT # 140078
TOWNSHIP: Warner Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 7-6-20

OWNERS SIGNATURE: Rodney Schoen 
OWNERS ADDRESS: 38745 146th Street
OWNERS CITY, STATE, ZIP: Mansfield, SD 57460
OWNERS PHONE: 605-225-3825

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

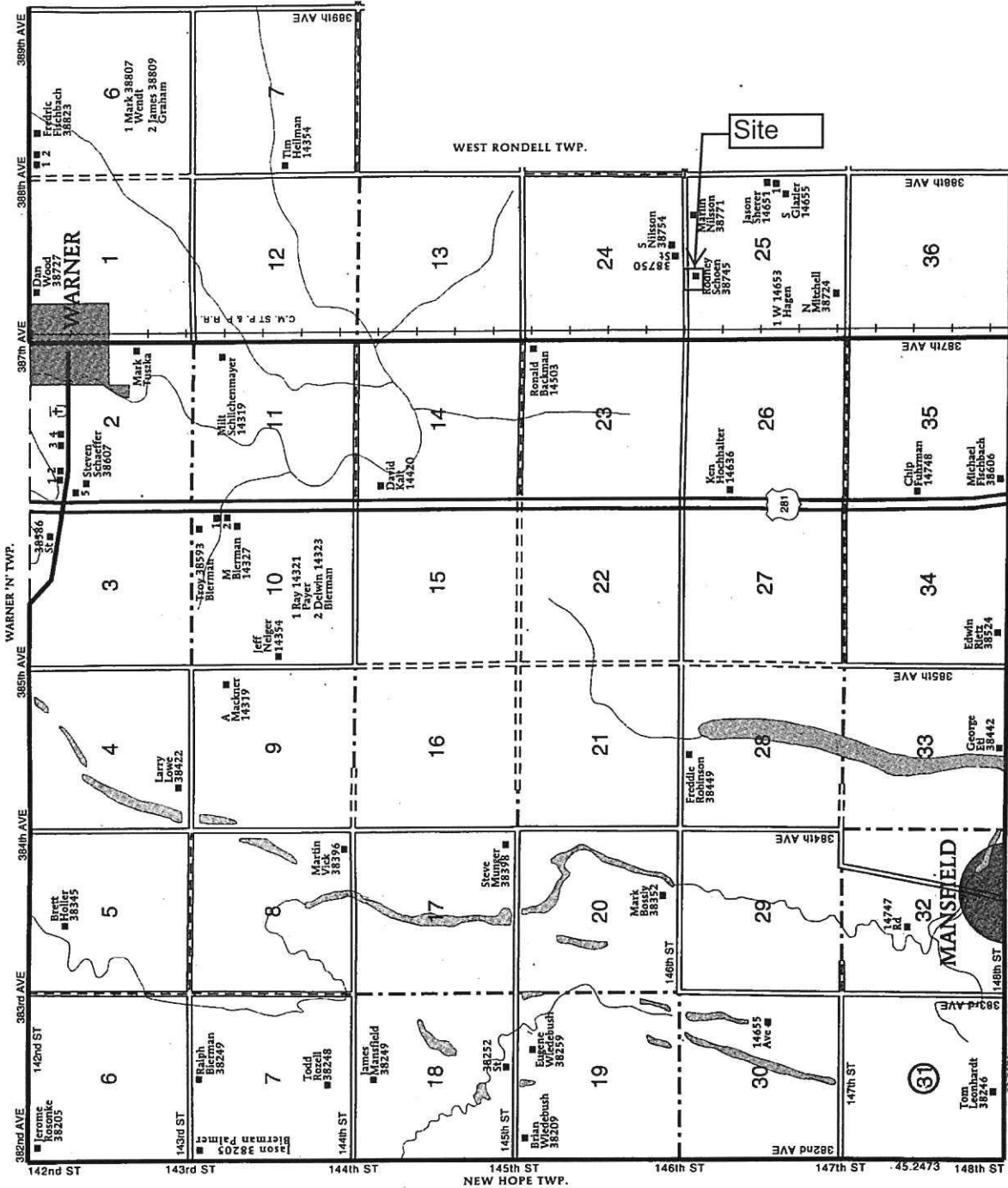
REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Schoen Addition in the NW1/4 of Section 25-T121N-R64W of
the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

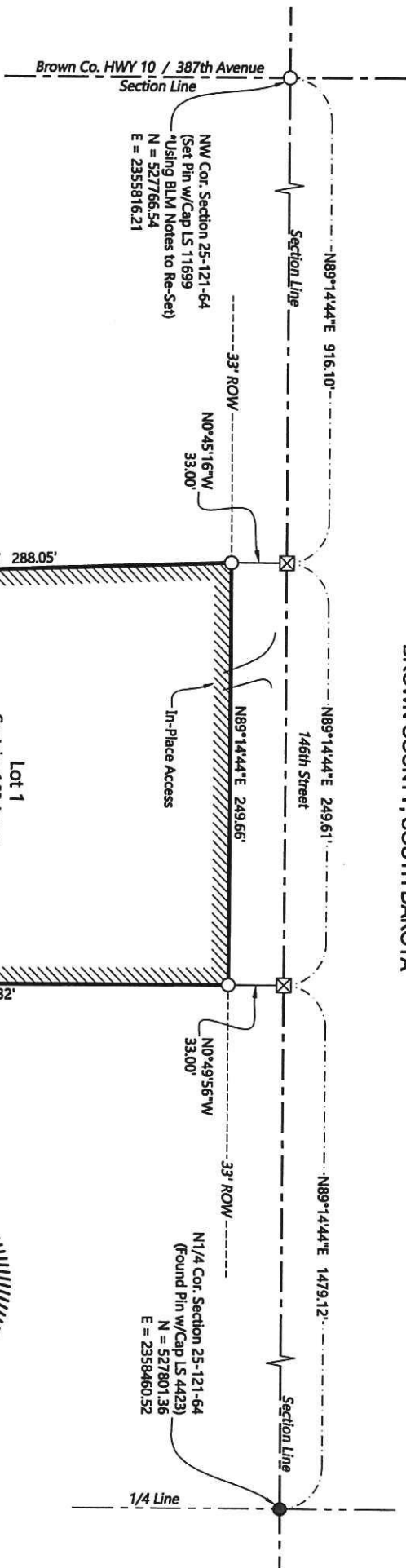
By: _____ Date: _____

HEARING DATE: July 21, 2020 TIME: 7:00 pm



- WARNER'S' TOWNSHIP**
SECTION 2
 1 Christenson, Doug 38614
 2 Roberts, Dan 38616
 3 Gascogne, Steve 38626
 4 Buechler, Jerold 38632
 5 Green, Tom 38605

PLAT SHOWING
SCHOEN ADDITION
 IN THE NW1/4 OF SECTION 25
 TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - ☒ CALCULATED CORNER

BASIS OF BEARINGS
 State Plane Grid
 South Dakota North Zone (4001)
 NAD '83 (2011) US Survey Feet
 Distances are GROUND
 Coordinates are GRID

PREPARED BY:

CLARK
 ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE



PLAT SHOWING
SCHOEN ADDITION
IN THE NW1/4 OF SECTION 25,
TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

Signed this ____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this ____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this ____ day of _____, 2020, at ____ O'clock __ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

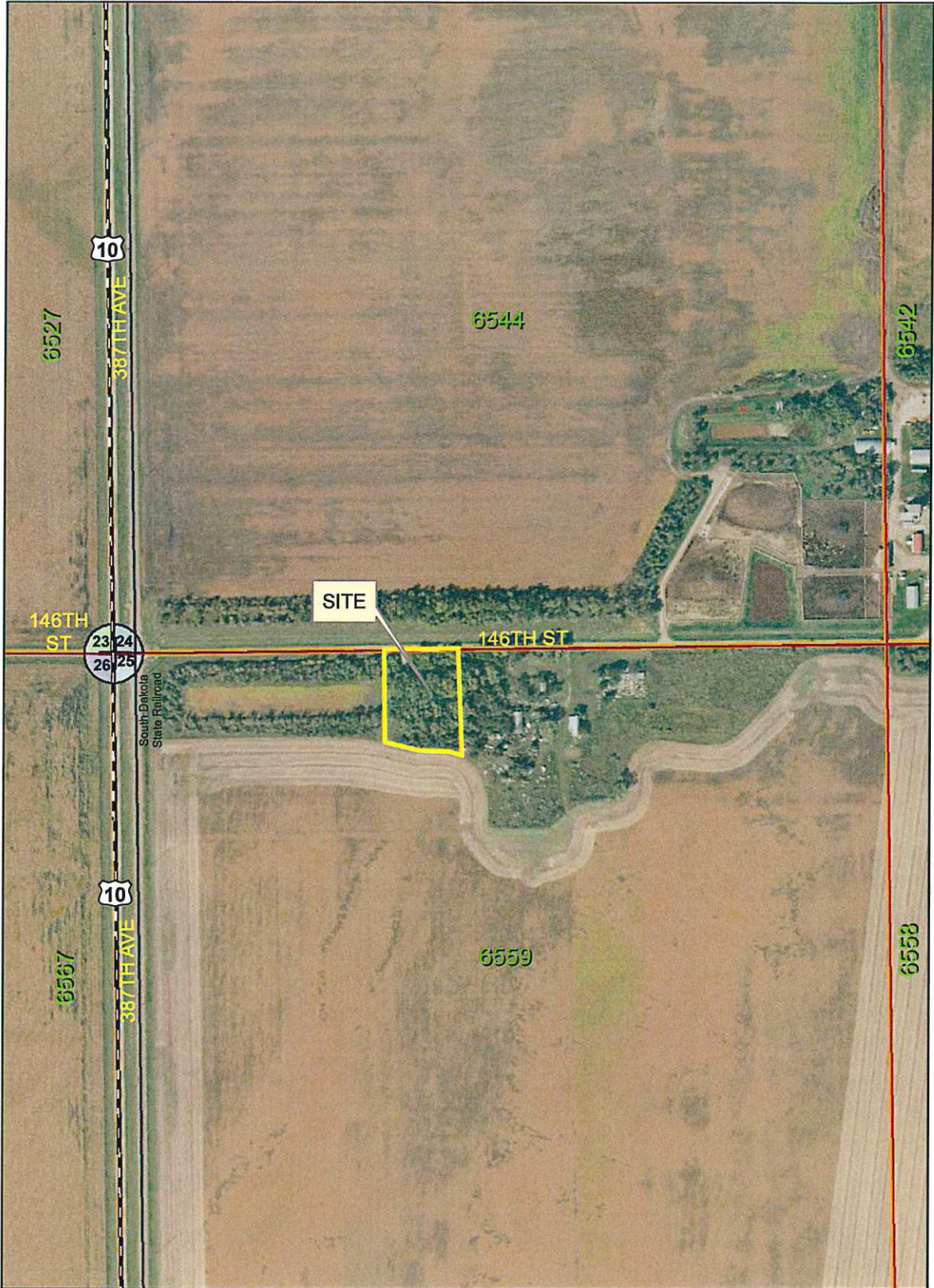
PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE





STAFF REPORT

July 21, 2020

PRELIMINARY & FINAL PLAT

ITEM # 26

GENERAL INFORMATION:

PETITIONER: Bradley Gabler

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Gabler-Brakefield Addition in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 38585 139th Street

TOWNSHIP: Warner Twp

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 purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Gabler-Brakefield Addition

QUARTER: NE SECTION: 22 TOWNSHIP: 122 RANGE: 64

LOTS 1, 2, 3 1, 2 TRACTS 1, 2, 3 ~~_____~~ PARCELS ~~1, 2, 3~~ ~~_____~~ NOTHING SHOWN ~~_____~~

OWNERS NAMES: Bradley Gabler

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily (Clark Engineering)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

~~FEES: \$25.00~~ ACRES x ~~\$1.00~~ TOTAL: \$ 100.00 DATE PAID: _____/_____/20_____

RECEIVED BY PLANNING DEPARTMENT: 06 / 17 /2020 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

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: June 17, 2020
RECEIPT # 140073
TOWNSHIP: Warner Twp

FEES: \$100.00
PAID: (YES/NO) (CHK) CASH
DATE: 7-2-20

OWNERS SIGNATURE: Bradley Gabler 
OWNERS ADDRESS: 38585 139th Street
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 720-483-0633

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

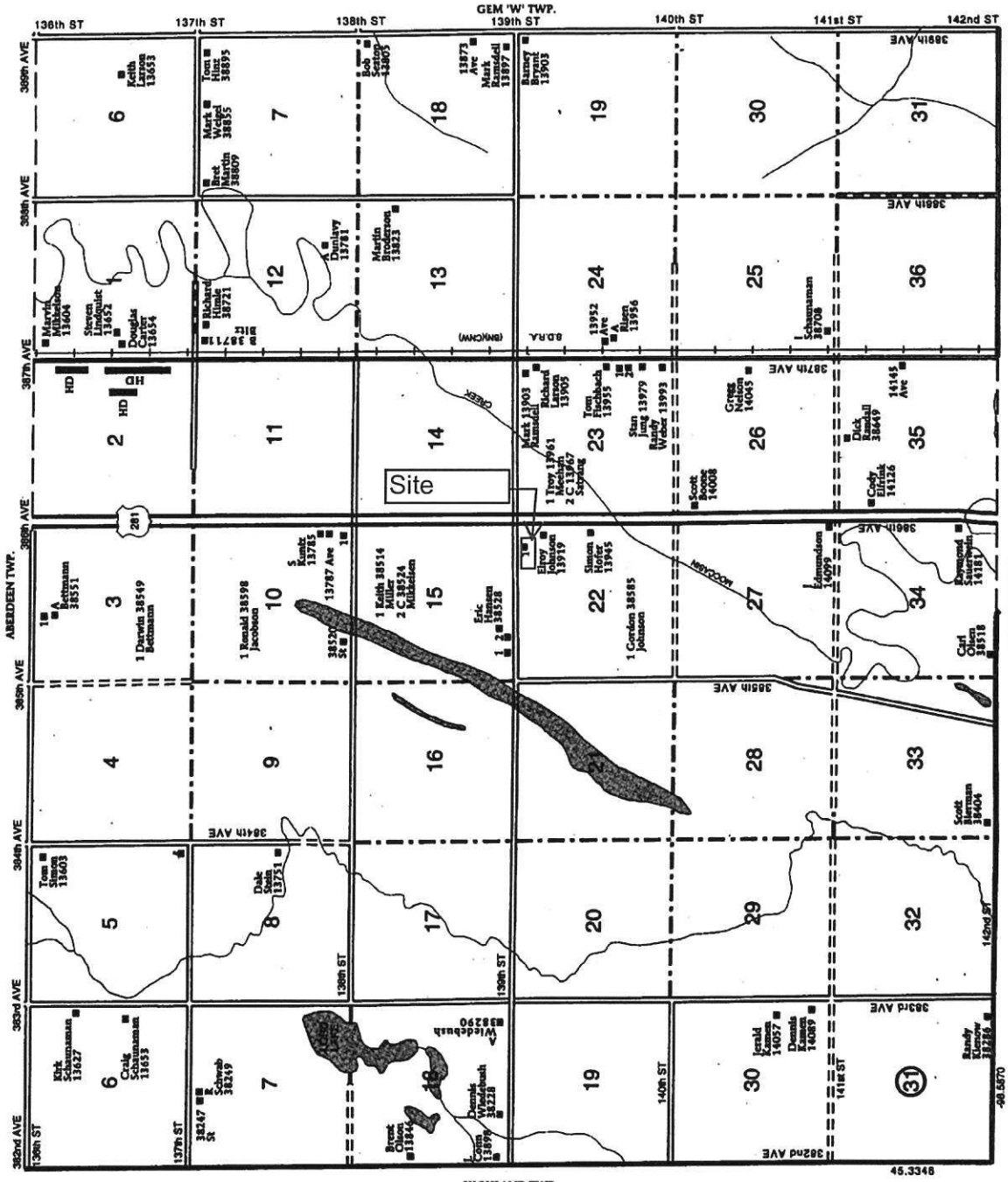
REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Gabler-Brakefield Addition in the NE1/4 of Section 22-T122N-R64W
of the 5th P.M., Brown County, South Dakota

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

By: _____	Date: _____
HEARING DATE: <u>July 21, 2020</u>	TIME: <u>7:00 pm</u>

(Residents - Owners or Renters)



HIGHLAND TWP.

45.3348

PLAT SHOWING
GABLER-BRAKEFIELD ADDITION
 IN THE NE1/4 OF SECTION 22,
 TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Bradley D. Gabler, do hereby certify that I am the owner of Lot 2, Johnson South Subdivision in the Northeast Quarter (NE1/4) of Section Twenty-Two (22), Township One Hundred Twenty-Two (122) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota (WARRANTY DEED filed 9-4-2018 and duly recorded in Book 303 Deeds, Page 44), and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Bradley D. Gabler, do hereby VACATE Lot 2, Johnson South Subdivision in the Northeast Quarter (NE1/4) of Section Twenty-Two (22), Township One Hundred Twenty-Two (122) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on the 26th day of July, 2007 at 3:20 P.M. and duly recorded as Hanging Plat No. 2339H.

Owner: Bradley D. Gabler
 Signature: [Handwritten Signature]

Signed this 17 day of JUNE, 2020.

COUNTY OF Brown)
 STATE OF South Dakota) SS

On this the 17 day of June, 2020, before me Jana Swisher, the undersigned officer, personally appeared Bradley D. Gabler, known to me or satisfactorily proven to be the person whose name Bradley D. Gabler, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

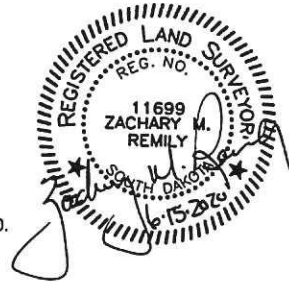
My Commission Expires: MY COMMISSION EXPIRES NOVEMBER 6, 2025

[Handwritten Signature]
 Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 15th day of JUNE, 2020.



TOWNSHIP HIGHWAY APPROVAL

"Access to 139th Street is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020.

 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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 _____, 2020.

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST 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 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST 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."

PREPARED BY:

	now	3314 Milwaukee Ave NE, Suite 2 Aberdeen, SD 57401 Phone: (605) 225-3494 Fax: (605) 225-5433	EOE
--	-----	--	-----

PLAT SHOWING
GABLER-BRAKEFIELD ADDITION

IN THE NE1/4 OF SECTION 22,
TOWNSHIP 122 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "GABLER-BRAKEFIELD ADDITION IN THE NE1/4 OF SECTION 22, TOWNSHIP 122 NORTH, RANGE 64 WEST 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 lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this 17 day of June, 2020.

Cynthia Meyer, Deputy Treasurer

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2020, at _____ O'clock ___ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

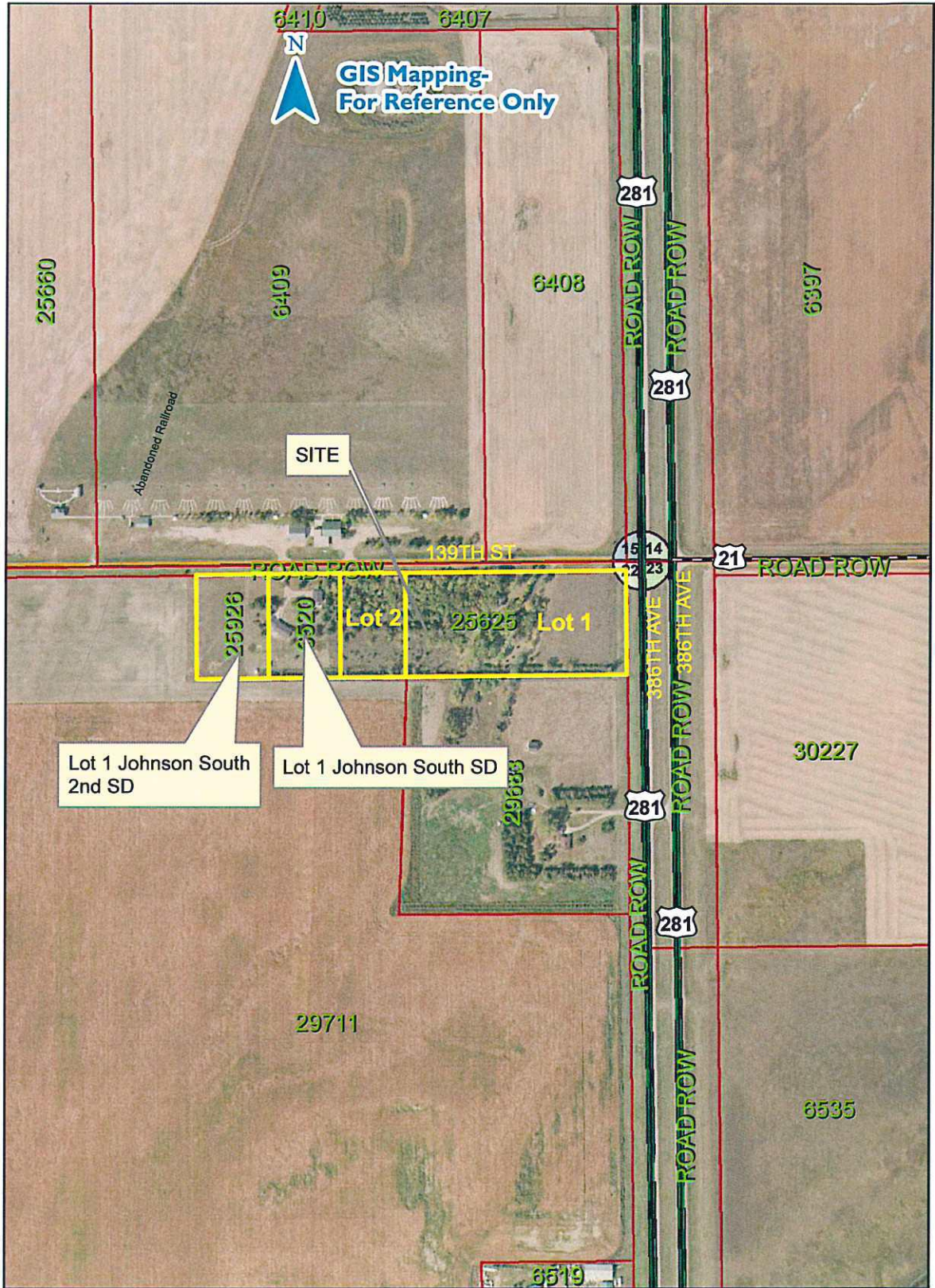
PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE





GIS Mapping-
For Reference Only

Abandoned Railroad

6409

6408

SITE

139TH ST
ROAD ROW

ROAD ROW
ROAD ROW



25926

6520

Lot 2

25625

Lot 1

366 TH AVE



Lot 1 Johnson South
2nd SD

Lot 1 Johnson South SD

29711

29683

ROAD ROW

STAFF REPORT

July 21, 2020

PRELIMINARY & FINAL PLAT

ITEM # 27

GENERAL INFORMATION:

PETITIONER: Harlan Young

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Har-Luke Young First Subdivision in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 2840 S 5th Street

TOWNSHIP: AberdeenTwp

EXISTING ZONING: Mini Agriculture District (M-AG)

SURROUNDING ZONING:

North:	Mini Agriculture District (M-AG)
South:	Mini Agriculture District (M-AG)
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 Preliminary and Final plat for conveyance purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Har-Luke Young First Subdivision

QUARTER: SE SECTION: 26 TOWNSHIP: 123 RANGE: 64

LOTS 1, 2, 3 1,2,3 TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Harlan Young

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily (Clark Engineering)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: _____/_____/20____

RECEIVED BY PLANNING DEPARTMENT: 06 / 18 /2020 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

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 X

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: June 22, 2020
RECEIPT # 140082
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 7-7-20

OWNERS SIGNATURE: Harlan Young 
OWNERS ADDRESS: 2904 5th Street S
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-7130

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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: "Har-Luke Young First Subdivision" in the SE1/4 of Section
26-T123N-R64W of the 5th P.M., Brown County, South Dakota

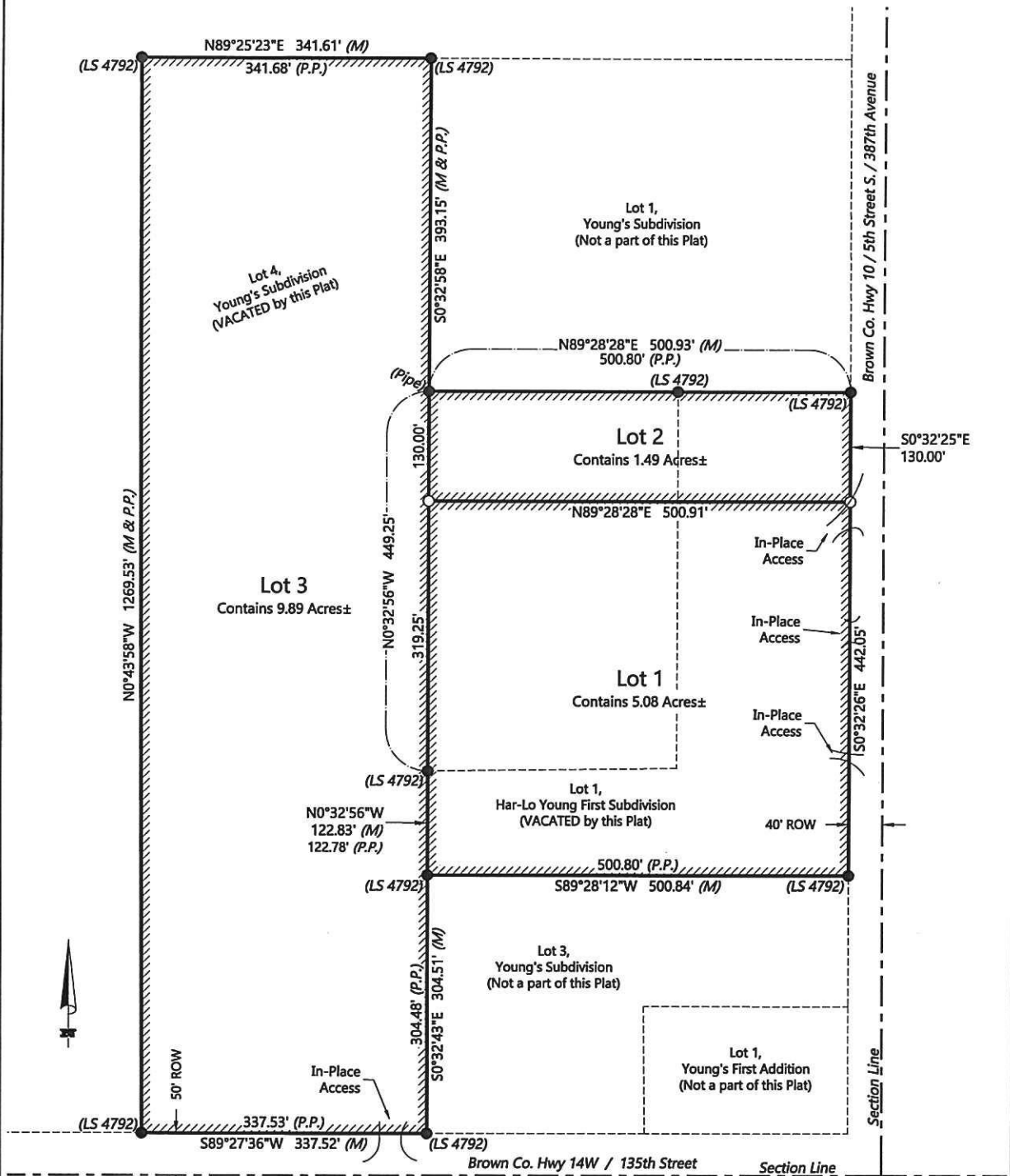
Planning Commission Action: Approved / Denied _____

By: _____ **Date:** _____

HEARING DATE: July 21, 2020 **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 SHOWING
HAR-LUKE YOUNG FIRST SUBDIVISION
 IN THE SE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - (M) MEASURED DISTANCE
 - (P.P.) PREVIOUSLY PLATTED DISTANCE

BASIS OF BEARINGS
 State Plane Grid
 South Dakota North Zone (4001)
 NAD '83 (2011) US Survey Feet
 Distances are GROUND



PREPARED BY:

CLARK ENGINEERING now **IMEG**

3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE

PLAT SHOWING
HAR-LUKE YOUNG FIRST SUBDIVISION
 IN THE SE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Harlan David Young a.k.a. Harlan D. Young, do hereby certify that I am the owner of Lot 1, Har-Lo Young First Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Harlan David Young a.k.a. Harlan D. Young, do hereby VACATE Lot 1, Har-Lo Young First Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on September 19, 2007 at 11:00 A.M. and duly recorded as Hanging Plat No. 2352H.

Owner:


 Harlan David Young, a.k.a. Harlan D. Young

Signed this 17 day of June, 2020.

COUNTY OF Brown)
 STATE OF South Dakota) SS

On this the 17 day of June, 2020, before me, Brady Haer, the undersigned officer, personally appeared Harlan David Young a.k.a. Harlan D. Young, known to me or satisfactorily proven to be the persons whose name Harlan David Young a.k.a. Harlan D. Young, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 3-27-2025

 Notary Public



OWNER'S CERTIFICATE

We, the Don Young Real Estate Limited Partnership, a South Dakota limited partnership (an undivided one-half interest), and Harlan Young (an undivided one-half interest), do hereby certify that we are the owners of Lot 4, Young's Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, we, the Don Young Real Estate Limited Partnership, a South Dakota limited partnership, and Harlan Young, do hereby VACATE Lot 4, Young's Subdivision in the Southeast Quarter (SE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on June 1, 1999 at 8:01 A.M., and duly recorded in Book of Plats No. 18, on Page 1338E therein.

Owner: The Don Young Real Estate Limited Partnership, a South Dakota limited partnership

Don Young Partner
 Print Name and Title
Don Young Partner
 Signature

Signed this 17 day of June, 2020.

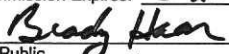
Owner: Harlan Young

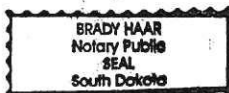
 Signature

Signed this 17 day of June, 2020.

COUNTY OF Brown)
 STATE OF South Dakota) SS

On this 17 day of June, 2020, before me, a notary public, the undersigned officer, personally appeared Don Young, who acknowledge himself/herself to be the Partner of The Don Young Real Estate Limited Partnership, a South Dakota limited partnership, and that he/she as such Partner, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the corporation by himself/herself as Partner.

My Commission Expires: 3-27-2025

 Notary Public



Note - Notary for Harlan Young is on Page 3 of 3

PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE

PLAT SHOWING
HAR-LUKE YOUNG FIRST SUBDIVISION

IN THE SE1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY OF Brown)
STATE OF South Dakota)SS

On this the 17 day of June, 2020, before me, Brady Haar, the undersigned officer, personally appeared Harlan Young known to me or satisfactorily proven to be the person whose name Harlan Young, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 3-27-2025
Brady Haar
Notary Public



SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 12th day of JUNE, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HWY 10 / 5th STREET S. / 387th AVENUE AND BROWN COUNTY HWY 14W / 135th STREET is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this 6 day of 17, 2020.

DDRC 6/12/2020
Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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 _____, 2020.

Secretary of County Planning Commission
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST 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 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "HAR-LUKE YOUNG FIRST SUBDIVISION IN THE SE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 64 WEST 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 lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this 17 day of June, 2020.

Cynthia J. Meyer, chief treasurer
County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2020, at _____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE



GIS Mapping-
For Reference Only



29461

5306

5308

5310

SITE

Lot 2

Lot 3

5313

Lot 1

5301

5312

5307

26499

26498

5599

26520

5260

10

S 5TH ST

RAILROAD ROW

South Dakota
State Railroad

14W

135TH ST SW ROAD ROW

26

35

14WA

135TH ST SW

10

S 387TH AVE

RAILROAD ROW

South Dakota
State Railroad

***Ordinance
Changes***

Title 4

Title 5

TITLE 4 ZONING

CURRENT
SUBMITTALS *

- CHAPTER 4.01 - DEFINITIONS
- CHAPTER 4.02 - JURISDICTION
- CHAPTER 4.03 - OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION
- CHAPTER 4.04 - APPLICATION OF DISTRICT REGULATIONS
- CHAPTER 4.05 - ESTABLISHMENT OF DISTRICTS
- CHAPTER 4.06 - AGRICULTURE PRESERVATION DISTRICT (AG-P)
- CHAPTER 4.07 - MINI-AG DISTRICT (M-AG)
- CHAPTER 4.08 - RESIDENTIAL DISTRICT (R-1)

FUTURE
SUBMITTALS

- CHAPTER 4.09 - PLANNED MOBILE HOME PARK DISTRICT (R-2)
- CHAPTER 4.10 - LAKE FRONT RESIDENTIAL (R-3)
- CHAPTER 4.11 - RURAL-URBAN (RU)
- CHAPTER 4.12 - PLANNED DEVELOPMENT DISTRICT (P-1)
- CHAPTER 4.13 - COMMERCIAL DISTRICT (C)
- CHAPTER 4.14 - HIGHWAY COMMERCIAL DISTRICT (HC)
- CHAPTER 4.15 - LIGHT INDUSTRIAL DISTRICT (L-I)
- CHAPTER 4.16 - HEAVY INDUSTRIAL DISTRICT (H-I)
- CHAPTER 4.17 - CONSERVATION DISTRICT (CN)
- CHAPTER 4.18 - RECREATION DISTRICT (RC)
- CHAPTER 4.19 - MUNICIPAL, STATE AND COUNTY USE DISTRICT (M)
- CHAPTER 4.20 - FLOODPLAIN DISTRICT (FP)
- CHAPTER 4.21 - SUPPLEMENTARY DISTRICT REGULATIONS
- CHAPTER 4.22 - ~~NONCONFORMING LOTS, USES, LAND, STRUCTURES, PREMISES
NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING
USES OF STRUCTURES AND PREMISES, AND NONCONFORMING CHARACTERISTICS OF
USES.~~
- CHAPTER 4.23 - ~~ADMINISTRATIVE PROCEDURES, PERMITS AND APPROACHES
ADMINISTRATIVE PROCEDURES AND ENFORCEMENT — BUILDING — PERMITS AND
APPROACHES~~
- CHAPTER 4.24 - COUNTY PLANNING COMMISSION/ZONING BOARD OF ADJUSTMENT
- CHAPTER 4.24 - BOARD OF ADJUSTMENT -- POWERS AND DUTIES
- CHAPTER 4.25 - APPEALS
- CHAPTER 4.26 - SCHEDULE OF FEES, CHARGES, AND EXPENSES
- CHAPTER 4.27 - AMENDMENT
- CHAPTER 4.28 - VIOLATIONS, COMPLAINTS, PENALTIES AND REMEDIES
- CHAPTER 4.29 - LEGAL STATUS PROVISIONS
- CHAPTER 4.30 - ~~PERFORMANCE STANDARDS FOR L-I DISTRICT~~
- CHAPTER 4.31 - ~~PERFORMANCE STANDARDS FOR H-I DISTRICT~~

FUTURE *

- CHAPTER 4.30 - CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS
- CHAPTER 4.31 - RURAL ADDRESSING
- CHAPTER 4.34 - ~~MUNICIPAL, STATE AND COUNTY USE DISTRICT (M)~~
- CHAPTER 4.32 - COMMUNICATION TOWERS AND FACILITIES
- CHAPTER 4.33 - WIND ENERGY CONSERVATION SYSTEMS

4.34 SOLAR ENERGY

CHAPTER 4.01 DEFINITIONS

4.0101 General. For the purpose of this Title, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall is mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word lot includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

4.0102 For the purpose of this Title, certain terms or words used herein shall be interpreted as follows:

Abandoned or Existing Farm Site. Must be a site that includes at least three of the following four criteria:

1. Contains an existing shelterbelt on at least two (2) sides;
2. Contains a usable well or rural water system hook-up;
3. Presently contains outbuildings, and;
4. Has an existing approach onto a public road or highway.

Sites that meet the above described criteria may be surveyed and platted and thereby split into two separate lots, plots, or tracts in recognition of lending institution mortgage requirements. This provision is exclusively intended to facilitate single family occupation of abandoned or existing farm sites and is not intended to allow multiple family subdivisions in zones not allowing such. Sites so split shall be considered a single site with regard to other provisions and requirements of this Title. Further division into more than two (2) lots, plots, or tracts is prohibited.

Accessory Use or Structure. A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Acre(s), Gross the Total Acreage of: (1) a subdivision; (2) a contiguous zoning district; or (3) a planned development. Computations shall include all public right-of-ways except: (1) boundary streets of which only one-half of the right-of-way shall be used in any computation; and (2) publicly owned land used for community facilities such as parks, schools, libraries, etc.

Acre(s), Net. Same as Gross Acres but, excluding all public right-of-ways and publicly owned land utilized for community facilities.

Alluvial Fan Flooding. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Animal Manure, Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.

SPACE →

Animal Units. Animal species and number of a species required to equal Class A, Class B, Class C, Class D animal units. Note that these figures relate to inventory rather than annual production. Other animal species equivalents, which are not listed, will be based on species' waste production.

Antenna. Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.

Antenna Support Structure. Any existing structure that supports communication facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles.

Apex. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant. An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Aquifer. A zone or group of strata that can store and transmit water in sufficient quantities for specific use.

Area of Shallow Flooding. A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Automobile, Abandoned. Any motor vehicle, or portion thereof, which when operated on a public roadway is required to be registered by the State of South Dakota, whose registration has been expired for a period of one (1) month or more. Notwithstanding the foregoing definition, a motor vehicle or portion thereof stored within a permitted building or structure shall not be considered to be an abandoned automobile.

Automobile Sales. The use of any building, land area, or their premises for the display and sale of new or used automobiles, trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:

1. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearing, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, sale of automotive washing and polishing and polishing materials; Greasing and lubrication;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Emergency wiring repairs;
11. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
12. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for automobile service station customers, as accessory and incidental to principal operation;
13. Provision of road maps and other informational material to customers; and
14. Provision of restroom facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is ~~not a repair garage nor a body shop~~ **neither a repair garage nor a body shop.**

Base Flood Elevation. ~~The flood having a one (1) percent chance of being equaled or exceeded in any given year.~~ **The computed elevation to which the flood is anticipated to rise during the base flood. The base flood is also referred to as the 1-percent annual chance flood or 100-year flood.**

Basement. Any area of the building having its floor grade (below ground level) on all sides.

Bed and Breakfast Establishment. A private single-family residence which is used to provide limited meals and temporary accommodations for a charge to the public.

Billboard. See Sign, Off-Site.

Boarding House. Any dwelling which provides sleeping and/or cooking and/or eating facilities for more than three (3) units but less than ten (10) unrelated individuals. A rooming house or furnished rooming house shall be deemed to be a boarding house. Sleeping rooms shall not be used for more than two (2) persons per room. Such dwellings shall not be open to transients.

Building Area. The portion of a lot remaining after required yards have been provided.

Building. The word "building" includes the word structure and is a structure, which is entirely separate from any other structure by space or by walls in which there is no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Change in Operation. "Change in operation" means a cumulative expansion of more than 300 animal units, after December 18, 1997, which are confined at an existing unpermitted concentrated animal feeding operation.

Collocation. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commission. The Brown County Planning and Zoning Commission.

Concentrated Animal Feeding Operation. Refer to Chapter 4.32 for complete set of regulations and definitions of terms pertinent to Concentrated Animal Feeding Operations.

Conditional Use. A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses, as specific provisions for such exception are made in these zoning regulations. Conditional uses are subject to evaluation and approval by the Board of Adjustment and are administrative in nature. (Ord. 2004-1)

Contamination, Air. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining, or milling operation that increases ambient air radiation levels by 50 mrems from the background levels established prior to the commencement of such activity, measured at the perimeter of the mining or milling site or at the top of an exploration hole.

Contamination, Water. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining, or milling operation that exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.

County Board. The Brown County Board of Commissioners.

Critical Feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Density. Pertaining to the number of dwelling units per net acre or gross acre, as indicated for the appropriate zoning district. Residential District density shall not be exceeded for new subdivisions nor exceeded for resubdivision of existing platted land.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operations or storage of equipment or materials.

Drive-in Restaurants or Refreshment Stands. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Mobile Home. See Mobile Home.

Dwelling, Multiple Family. A residential dwelling designed for or occupied by two (2) or more families living independently of each other and doing own cooking in said dwelling. The number of families in residence not to exceed the number of dwelling units provided.

Dwelling, Single Family. A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family.

Efficiency Unit. A dwelling unit having only one (1) room exclusive of bathroom, water closet compartments, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted in a multi-family dwelling.

Elevated Building. ~~A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid (perimeter) foundations walls are not an acceptable means of elevating buildings in V and VE zones.~~ A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3 (e) (5) of the National Flood Insurance Program regulations.

Employee(s). In regard to off-street parking requirements, employees mean all who work in the enterprise including owners.

Existing Construction. For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, ~~1975~~ 1988, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exploration. The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes, digging pits or cuts, and other

works for the purpose of extracting samples prior to commencement of development of extraction operations and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no, or very little surface disturbance, such as; airborne surveys and photographs; use of instruments or devices which are hand carried or otherwise transported over the surface to make magnetic, radioactive, or tests and measurements; boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.

Family. An individual or two or more persons, related by blood or marriage, living together as a single-housekeeping unit in a dwelling unit, in each instance with no more than two non-related people being housed in the same dwelling unit, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families. The word "family" shall not include groups occupying nursing homes, group houses, fraternity houses, sorority houses, dormitories, barracks; however, a portion of a building in this category may consist of one or more dwelling units occupied by a family or families.

Farm. A tract of land together with fields, buildings, farm implements, animals, and personnel for the intended purpose of producing crops of which livestock feeding may be a part of.

Farm Dwelling. Any dwelling owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers.

Farm Unit. All buildings and structures needed in agricultural operation, including dwellings for owners, operators, farm laborers employed on the farm and other family members.

Feedlot, Commercial. A commercial feedlot is a place where the principal business is the feeding of livestock and such feeding is not done in conjunction with the production of crops on a farm of which the feedlot is a part.

Flood Hazard-Special Area. The land in the Floodplain subject to a one percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM). The Official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary - Floodway Map, and the water surface elevation of the base flood.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (See definition of flooding).

Floodplain Management. The operation of an overall program of corrective and preventive

measures for reducing flood damage, included but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface.

Floor Area. The sum of all gross horizontal area of the several floors of a building and its accessory buildings on the same lot excluding basement floor areas and non-enclosed portions of the structure. All dimensions shall be measured between exterior faces of walls.

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

Groundwater. Subsurface water that fills available openings in rock or soil materials such that it may be considered water saturated.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

High Voltage Transmission Line. A conductor of electric energy and associated facilities.

High Watermark. Point where permanent vegetation begins.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Secretary of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior or; b) directly by the Secretary of the Interior in states without approved programs.

Home Occupation. An occupation conducted on the premises provided that:

1. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than thirty (30) percent of the floor area of the dwelling shall be used in the conduct of the home occupation.
2. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
3. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
4. No more than one other person, in addition to members of the family residing on the premises, shall be engaged in such occupation.
5. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated and mounted flat against the wall of the principal building.

Husbandry, Poultry. This refers to the domestic practice of raising different types of birds and chicken for different purposes. Some of the domestic birds that makes about this practice include chicken, ducks, and fowls among others.

Husbandry, Animal. The science of breeding and caring for farm animals. The branch of agriculture concerned with animals that are raised for meat, fiber, milk, eggs, or other products.

Hydrologic Balance. The relationship between the quality and quantity of inflow to and outflow from the storage in hydrologic units, such as drainage base and aquifer; soil zone lake or reservoir it encompasses; and the quantity and quality relationships between precipitation, runoff, evaporation, and the change in ground and surface water storage.

Hydrologic Regime. The entire state of water movement in a given area which is a function of the climate and includes the entire water cycle for the drainage area.

Improved Road. Roads with at least a gravel base and utilized regularly by more than one (1) household.

Junkyards. A junkyard is a place where unrecyclable waste having no economic value, or waste which is recyclable but has no chance of being recycled is deposited. (See also Salvage Yard.)

Kennels. Any lot, structure, or premise where four (4) or more dogs and/or ten (10) or more cats four (4) months of age are kept.

Large Wind Energy Conservation System or LWECS. All WECS facilities excluding Small Wind Energy Conservation Systems.

Lattice Tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Loading Space, Off-Street. Adequate space, logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used such as trucks, tractors, trailers, etc., and accessible to such vehicles at all times. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in Title 4, including one main building together with its accessory buildings and open spaces and parking spaces required by this Title, and having its principal frontage upon a street.

Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a zoning lot. In the case of a corner lot, the lot depth is the greater of the mean horizontal distances between the front lot lines and respective side lot opposite each.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards as defined herein.

Lot of Record. A lot or parcel of land that has access to a street, the deed of which has been recorded in the Office of the County Register of Deeds prior to the adoption of these revised Ordinances and may be used for the uses in the district in which it is located except as hereinafter specified.

Lot Types. Any lot within the jurisdiction of Title 4 shall be one of the following types:

1. Corner Lot. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2. Interior Lot. An interior lot is defined as a lot other than a corner lot with only one frontage on a street.

3. Through Lot. A through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Width. The mean horizontal distance between side lot lines measured at right angles to the lot depth.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home. Includes the term mobile home and means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park or travel trailers and other similar vehicles when on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Milling. The processing or enhancing of a mineral.

Mine Dewatering Discharge. Water that has been discharged from active or abandoned mines in areas affected by mineral exploration, mining, and milling.

Mineral. An inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form as a metal, a metallic compound, a chemical, an emergency source, or a raw material for manufacturing or construction material. For the purpose of these regulations, this definition does not include surface or subsurface water, geothermal resources, or sand, gravel, and quarry rock.

Mineral Extraction. The removal of a mineral from its natural occurrence on affected land. The term includes, but is not limited to, underground and surface mining.

Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and

incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered a mobile home. Any occupied vehicle used or so considered as to permit it being used as a conveyance on the public streets or highways and duly licensed as such, and shall include self-propelled or non-self-propelled vehicles so designed, constructed, reconstructed or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons. Nothing in this definition shall be construed so as to include prefabricated, precut residences or those manufactured in sections or parts away from the site and transported thereto for erection, provided that when completely erected, said prefabricated, precut, or manufactured residences shall be on a permanent foundation and in all respects comply with the Uniform Building Code, 1967 Edition and Amendments thereto, recommended by the International Conference of Building Officials.

Mobile Home Park. Any premises where two or more mobile homes are parked for living or sleeping purposes, or any premises used or set apart for supplying to the public, parking space for two or more mobile homes for living or sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended wholly or in part, for the accommodation of automobile transients.

Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Mrem. One thousandth of a REM.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

New Construction for FEMA purposes. For the purpose of determining insurance rates, structures for which the "start of construction" commence on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision for FEMA purposes. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming Use. Any building or land lawfully occupied by use at the time of passage of Title 4, which does not conform after passage of this Title.

Non-Farm Dwelling. Any occupied dwelling which is not a farm dwelling.

Parking Space, Off-Street. For the purposes of Title 4, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be

so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, so that any automobile may be parked and un-parked without moving another.

For purposes of rough computation, off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the county.

Performance Standards. It is a criterion established for the purposes of:

1. Assigning proposed industrial uses to proper districts; and
2. Making judgments in the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.

Permit. A permit required by these regulations unless stated otherwise.

Person. An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, consumers power district, or any other entity, public or private, however organized.

Planned Development. A means of developing or redeveloping existing larger parcels or combinations of smaller parcels of land within the jurisdiction of this Title, by allowing more flexibility in design to produce a more aesthetic and/or efficient environment, and which through safeguards incorporated elsewhere in this Title will assure that any such planned development will be in harmony and compatible with the intent of this Title and the appropriate zoning district of this Title.

More specifically, a planned development is land, which is under:

1. Single ownership; or
2. Unified control, and wherein such land is to be utilized for ultimate use by:
 - a. Single ownership, or
 - b. Unified control, or
 - c. Separate ownership and unified control, or
 - d. Separate ownership without unified control, and whereon such land is designed for use as one building or a group of buildings and whereon such land there may or may not be provisions for multiple purpose uses. Standards and requirements within the various zoning districts permitting a planned development are indicated in Chapter 4.12 of this Title.

Any such planned development shall be compatible to the Comprehensive Plan for Brown County, South Dakota. Provided further, if the proposed development is only for a portion of the contiguous landholdings of the applicant(s), then a simple, schematic plan showing anticipated uses, densities, shall be submitted with application for any planned development.

Potential Pollution Hazard. A Concentrated Animal Feeding Operation of 0-300 Animal Units may be classified as a Class D Operation by the County Zoning Officer when a Potential Pollution Hazard exists. Factors to be considered by the Zoning Officer in determining a Potential Pollution Hazard include the following:

1. The Concentrated Animal Feeding Operation does not meet the minimum setback and separation distances of these regulations.

2. A Potential Water Pollution Hazard exists due to sitting over a shallow aquifer or drainage, which contributes to the waters of the State.

Process Generated Wastewater. Water directly or indirectly used in the operation of an animal feeding operation. The term includes spillage or overflow from water systems; water and manure collected while washing, cleaning or flushing pens, barns, manure pits or other areas; water and manure collected during direct contact swimming, washing or spray cooling of animals; and water used in dust control.

Process Wastewater. "Process wastewater" means any process generated wastewater and any precipitation (rain or snow) that comes into contact with animals, manure, litter or bedding, feed or other portions of the animal feeding operation. The term includes runoff from an open lot.

Public Utility Substation. An area where facilities are provided for the distribution of telephone, radio, communications, water, gas, and electricity. These facilities shall be permitted as a conditional use in the various zoning districts subject to conditions, which will assure their harmony, especially aesthetically with the nature of the respective district.

Recharge Capacity. The ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

Recreational Vehicles (RV). A vehicular which is:

- 1 Built on a single chassis;
- 2 400 square feet or less when measured at the largest horizontal projections;
- 3 Designed to be self-propelled or permanently towable by a light duty truck; and
- 4 Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REM (Roentgen Equivalent In Man). A measurement of the biological effects resulting from ionizing radiant energy where Roentgen is the amount of radiation leading to the absorption of 88 ergs of energy per gram of air.

Route. The location of a High Voltage Transmission Line between two end points. The route may have a variable width of up to 1.25 miles.

Salvage Yard. The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of a lot, or tract of land for sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Shall. "Shall" means that the condition is an enforceable requirement of this permit.

Shallow Aquifer. An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well. A well which is located in a shallow aquifer.

Salvage Yards. The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of a lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof. (See also Junkyards).

Shelterbelts/Fieldbelts. A strip or belt of trees or shrubs established to reduce soil erosion and to protect yards, lots, buildings, livestock, residences, recreation areas, and wildlife from wind. ~~Shade and ornamental trees are not considered as shelterbelts.~~ For the purpose of this ordinance, a shelterbelt shall include ten (10) or more trees planted in a line forming a row and separating each row by a distance of forty (40) feet or less.

Shooting/Hunting Preserve. Any acreage, either privately owned or leased, on which hatchery raised game is released for the purpose of hunting for a fee, over an extended season.

Should. "Should" means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignias of any government except when displayed in connection with commercial promotion;
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural feature of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Off-site. A sign other than an exterior or interior on-site sign. Off-site signs are more conventionally known as billboards regardless of size.

Sign, On-site, Exterior. An exterior sign relating to its subject to the premises on which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site

signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards, which are off-site signs.

Sign, On-site, Interior. A sign on the interior of a structure relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. As long as any such sign is not normally viewable from the exterior of the premises, it shall not be regulated by this Title.

Significant Contributor of Pollution. To determine if a concentrated animal feeding operation meets this definition, the following factors are considered:

1. Size of feeding operation and amount of manure reaching waters of the state;
2. Location of the feeding operation in relation to waters of the state;
3. Means of conveyance of manure and process wastewater into waters of the state;
4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state.

Small Wind Energy Conservation System or SWECS. A WECS facility with a single tower height of less than seventy-five (75) feet used primarily for on-site consumption of power.

Special Exception/Conditional Use. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provisions for such special exception is made in this Title.

Start of Construction. Includes substantial improvement, and means the date the Building Permit was issued, providing the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction for a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms.

Street Line. The lot line abutting right-of-way line.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground; among other things, structures include buildings, mobile or manufactured homes, walls, gas or liquid storage tank, (that is principally above ground) signs, fences and billboards.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

System Height. The height above grade of the tallest point of the WECS, including the rotor radius.

Telecommunication. The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Tiny Home. A tiny home is typically a small residential structure under 500 square feet.

Tiny Home Movement. Is an architectural and social movement that advocates living simply in small homes that can provide much-needed cost-effective and energy-efficient housing, and can be a creative solution to the current housing crisis.

Tower Height. The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Travel Trailer. A trailer drawn especially by an automobile and equipped for use (as while traveling) as a dwelling.

Trailer House. A large trailer, fitted with parts for connection to utilities, that can be installed on a relatively permanent site and that is used as a residence. Also called *manufactured home*.

Truck or Equipment Terminal. Any lot, structure or premises used for the parking or storage of capital equipment such as trucks, trailers, or other like equipment, over 3/4 ton capacity.

Turbine. The parts of the WECS including the blades, generator and tail.

Utility Substation. See Public Utility Substation.

Variance. A variance is a relaxation of the terms of Title 4 where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Title would result in unnecessary and undue hardship. As used in this Title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of

the presence of nonconformity in the zoning district. This is NOT to be confused with a conditional use.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Title is presumed to be in violation until such time as that documentation is provided.

Water of the State. "Water of the State" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains.

Water Table. The upper surface of a zone of saturation where the body of groundwater is not confined by an overlying impermeable zone.

Wildlife Propagation. Means the production of offspring that qualify as wildlife from captive live wildlife parents.

Wind Energy Conservation System or WECS. A commonly owned and/or managed integrated system that converts wind movement into electricity. All of the following are encompassed in this definition of system:

1. Tower or multiple towers,
2. Generator(s),
3. Blades,
4. Power collection systems, and
5. Electric interconnection systems or portion thereof dedicated to the WECS.

Wireless Telecommunications Antenna. A device, dish or array used to transmit or receive telecommunication signals.

Wireless Telecommunications Equipment Shelter. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility. A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless Telecommunications Tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Yard. A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the grade of the lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of thirty (30) inches to ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two (2) frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

1. At least one front yard shall be provided having the full depth required generally in the district; and
2. No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point of the lot farthest from the intersection of the lot line involved with the public street.

In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel with the side lot line.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel with the rear lot line.

Yard, Special. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed to perform like functions as a side yard, but next to a lot line so located or oriented that neither the term side yard nor the term rear yard clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be placed to the adjoining lot(s), with due consideration to the orientation and placement of structures and buildable areas thereon.

Zone A. Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

Zone AE. Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones. (Zone AE is used on new and revised maps in place of Zones A1–A30.)

Zone Floodway. A floodway is the area of the floodplain that should be kept free of obstructions to allow floodwaters to move downstream. Rivers and streams where FEMA has prepared detailed engineering studies may also have designated floodways. For most rivers and streams, the floodway is where the water is likely to be the deepest and fastest.

Zone X-shaded. Moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where average depths are less than 1 foot, areas of 1-percent-annual-chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent-annual-chance flood by a levee. No BFEs or base flood depths are shown within these zones. (Zone X (shaded) is used on new and revised maps in place of Zone B.)

Zone X-unshaded. Minimal risk areas outside the 1-percent and 0.2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones. (Zone X (unshaded) is used on new and revised maps in place of Zone C.)

CHAPTER 4.02 JURISDICTION

- 4.0201 Jurisdiction. The provisions of Title 4 shall apply within the unincorporated area of Brown County, South Dakota, (excluding areas of joint jurisdiction being: ~~three (3) miles of Aberdeen,~~ one (1) mile of Groton, one (1) mile of Hecla, one-half (1/2) mile of Frederick, and one and one-half (1 1/2) miles of Warner City limits; and also including the incorporated communities of Claremont, Columbia and Stratford, as established on the map entitled "The Official Zoning Map of Brown County, South Dakota".
- 4.202 Provisions of Title 4 Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. This Title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever the provisions require a greater width or size or yards, courts, or other spaces, or require a lower height of buildings or less number of stories or require a greater percentage of lot to be left unoccupied, or impose other higher standards that are required, in any other ordinance, the provisions of this Title shall govern.

Wherever the provisions of any other ordinance require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Title, the provisions of such ordinance shall govern.

CHAPTER 4.03 OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION

4.0301 General. The County is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this Title. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners attested by the County Auditor and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 4.03 enacted by Revised Ordinance No. 2 of Brown County, South Dakota," together with date of the adoption of this revised Ordinance.

4.0302 Zoning Map Changes. If, in accordance with the provisions of Title 4, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of County Commissioners with an entry on the Official Zoning Map as follows: "On /Date/, by official action of the Board of County Commissioners, the following change/changes were made in the Official Zoning Map: /brief description of nature of change/," which entry shall be signed by the Chairman of the Board of County Commissioners and attested by the County Auditor. No amendment to Title 4 which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said Map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Title.

Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Chapter 4.28.

Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the County Auditor, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

4.0303 Zoning Map Replacement. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners attested by the County Auditor and bearing the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted "date of adoption" of zoning map being replaced/ as part of Ordinance No. 1, Second Revision of Brown County Ordinances, Brown County, South Dakota."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

4.0304 Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shorelines, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map;
7. Where physical or cultural features existing on the ground are at variance with those shown of the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the County Planning Commission and/or Board of Adjustment shall interpret the district boundaries;
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the County Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

CHAPTER 4.04

APPLICATION OF DISTRICT REGULATIONS

- 4.0401 General. The regulations set forth within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.
- 4.0402 Zoning Affects Every Building and Use. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- 4.0403 Performance Standards. No building or other structure shall hereafter be erected or altered;
1. To exceed the height or bulk;
 2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area; and
 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any other manner contrary to the provisions of this Title.
- 4.0404 Open Space, Off-Street Parking, and Loading Space. No part of a yard, other open space, off-street parking, or loading space required about or in connection with any building for the purpose of complying with this Title, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 4.0405 Yard and Lot Reduction Prohibited. No yard or lot existing at the time of passage of this Title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 4.0406 Unclassified or Unspecified Uses. May be permitted as ~~special-exception~~ Conditional Use by the Zoning Board of Zoning Adjustment (BOA) after the County Planning / ~~and~~ Zoning Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.

CHAPTER 4.05 ESTABLISHMENT OF DISTRICTS

4.0501 Planning Commission Recommendations. It shall be a purpose of the Brown County Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the Board of County Commissioners shall not hold public hearings or take action until it has received the final report of the County Planning Commission.

4.0502 Districts Created. For the purposes of zoning, there are hereby created 15 types of districts by which the jurisdictional area defined in Chapter 4.02 shall be divided:

(AG-P)	<u>Chapter 4.06</u> Agriculture Preservation <u>District</u> (4.06)
(M-AG)	<u>Chapter 4.07</u> Mini-Agriculture <u>District</u> (4.07)
(R-1)	<u>Chapter 4.08</u> Residential <u>District</u> (4.08)
(R-2)	<u>Chapter 4.09</u> Residential – <u>Planned</u> Mobile Home Park <u>District</u> (4.09)
(R-3)	<u>Chapter 4.10</u> Lake Front <u>Residential District</u> (4.10)
(RU)	<u>Chapter 4.11</u> Rural Urban <u>District</u> (4.11)
(P-1)	<u>Chapter 4.12</u> Planned Development <u>District</u> (4.12)
(C)	<u>Chapter 4.13</u> Commercial <u>District</u> (4.13)
(HC)	<u>Chapter 4.14</u> Highway Commercial <u>District</u> (4.14)
(L-I)	<u>Chapter 4.15</u> Light Industrial <u>District</u> (4.15)
(H-I)	<u>Chapter 4.16</u> Heavy Industrial <u>District</u> (4.16)
(CN)	<u>Chapter 4.17</u> Conservation <u>District</u> (4.17)
(RC)	<u>Chapter 4.18</u> Recreation <u>District</u> (4.18)
(FP)	<u>Chapter 4.19</u> Floodplain <u>District</u> (4.19)
(M)	<u>Chapter 4.30</u> Municipal, State and County Use District (4.34)

CHAPTER 4.06 AGRICULTURE PRESERVATION DISTRICT (AG-P)

4.0601 Statement of Intent. The intent of the Agriculture Preservation District is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment shall be continued; to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

4.0602 Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the Agriculture Preservation District:

1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, and poultry husbandry ~~yet excluding commercial feedlots;~~ for a permitted use;
 - a. Commercial Feedlots are not a permitted use and require an approval of a Conditional Use Permit.
 - b. Also, refer to CAFO regulations in Section 4.32 for commercial feedlots.
2. A family farm unit and their normal accessory buildings including mobile homes, trailer houses, modular homes;
 - a. Any application for a new residence that will be constructed or placed in rural areas of Brown County after November 01, 2020 must sign and record a "right to farm" agriculture easement with said property in the Register of Deeds Office as a Miscellaneous Record (MR). This would allow agricultural operations to continue as normal to perform without complaint of dust, dirt, smell, noise or lights generated by Best Management Practices and any approved Special Exception/ Conditional Use in this District;
3. Special Permitted Uses: not available.
4. Railroad track right-of-way, turn-a-rounds, side rails, off-rails, links, loop tracks.

4.0603 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the Agriculture Preservation District:

1. Roadside produce stands in conjunction with a bona fide farm operation on the premises; and
2. Artificial lake(s) of three acres or less.
3. Grain Bins, scales, dryers, conveyor legs, pole buildings, steel buildings, garages, calf shelters, other similar structures.

4.0604 Special Exceptions/Conditional Uses. After notice and appropriate safeguards, the Zoning Board of Adjustment (BOA) may permit the following as ~~special exceptions/~~ Conditional Use in the Agriculture Preservation District (AG-P):

1. Home occupation; Hunting Lodges; Bed and Breakfast establishments.
2. Fairgrounds, racetracks, and amusement parks;
3. Utility substations; Communication Towers and Facilities; Wind Energy Conservation Systems;
4. Airports/Heliport;
5. Golf courses, country clubs and golf driving ranges;
6. Amphitheatres, stadiums, drive-in movies, arenas, and field houses;
7. Go-cart tracts, riding stables, playfields, athletic fields, bowling, swimming pools, and automobile parking;
8. Public parks, public recreational areas, churches, and schools;
9. Commercial feedlots;

10. Operation and maintenance terminal for trucks and other equipment;
11. Sand, gravel, or quarry operation, yet not including mineral extraction as defined in Chapter 4.01, 4.0102.
12. Sanitary landfill sites in accordance with South Dakota Environmental Protection Agency regulations;
13. Cemeteries;
14. Kennels and veterinary operations;
15. Farm related bulk commodities;
16. Farm related agriculture business or agriculture processing;
17. Wildlife propagation and game management;
18. High voltage lines of 343 KV or greater;
19. Mineral exploration provided the following conditions are met:
 - A. The applicant shall provide:
 - (1). A description of the mineral or minerals which are the subject of the exploration;
 - (2). Maps showing the general area within which the exploration operation will be conducted; and
 - (3). A detailed description of the County's environmental conditions, to include surface, land use, and vegetation as well as a detailed description of the area's geologic formations and hydrology from the best available scientific resources.
 - B. The applicant shall provide:
Maps indicating the location of the drill sites to the nearest quarter section of land, a technical description of the exploration process, the types of equipment to be used, and the estimated timetable for each phase of work and for final completion of the program.
 - C. The applicant shall provide:
 - (1). A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the proposed exploration; and
 - (2). A description of the proposed plan to address the identified environmental impacts to include all measures to be taken to prevent soil erosion, water contamination, air contamination, disruption of the area's ecological balance, and any other related hazard to public health and safety.
 - D. The applicant shall provide for reclamation of the land to its original condition after exploration is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources, and the proposed future use of the lands explored and adjacent lands. The reclamation shall include:
 - (1) A reclamation schedule;
 - (2) Methods of plugging drill holes;
 - (3) Methods of severing and returning topsoil and subsoil;
 - (4) Methods of grading, backfilling, and contouring of exploration sites and access roads;
 - (5) Methods of waste management and disposal, including liquid and solid wastes; and
 - (6) Method of revegetation.

The applicant shall identify specific phases when monitoring; and inspection of the exploration activities shall be conducted by County, State, Federal, or independent personnel to assure compliance with all applicable rules and regulations. If the conditional use permit is granted, the permit shall identify

such inspection agency; and it shall be the responsibility of the applicant to notify said agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the Commissioners.

(7) A ~~special exception~~/Conditional Use permit; shall be issued only after all conditions specified herein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of exploration activities.

20. Concentrated Animal Feeding Operations - refer to Chapter 4.32 for standards.
21. Greenhouses, nurseries and tree farms provided there is no retail sale of products conducted on the premises.
22. Shooting/Hunting Preserve.

4.0605 Minimum Lot Requirements. The minimum lot frontage width shall be two hundred (200) feet. The minimum area for any plot, piece, or area of land of contiguous assemblage as established by survey, plot, or deed shall contain an area of not less than forty (40) acres. (Ordinance. 088 amendment)

1. The Planning/Zoning Commission - Zoning Board of Adjustment (BOA) may reduce the required land area following the procedures of a Variance to Lot Size (4.2403), providing that:
 - A. The use of the land is for agricultural purposes and that the construction of buildings is confined to the shelter of grain, livestock or agricultural equipment.
2. The minimum area for any residence(s) shall consist of a piece, plot, or deed, occupied or to be occupied by (a) residential dwelling(s) and shall contain an area of not less than forty (40) acres unless:

- A. If to be occupied by other members of the farm unit (see Definitions), the Planning/Zoning Commission-Zoning Board of Adjustment (BOA) may reduce the required area following the procedures of a Variance to Lot Size (4.2403), providing that:
 - (1) The minimum lot frontage width shall be two hundred (200) feet.
 - (2) The minimum lot area, not including right-of-way, shall be:
 - a. 2-1/2 acres without a central sewer system or public water supply; or,
 - b. 1 acre with a central sewer system or a public water supply
(200' x 545' = 2-1/2 acres minimum; 200' x 218' = 1 acre minimum)
- B. When a residence is to be sited on an abandoned or existing building farm site (see Definitions), the Planning/Zoning Commission-Zoning Board of Adjustment (BOA) may reduce the required area following the procedures of a Variance to Lot Size (4.2403), providing that:
 - (1) The parcel shall be platted using the minimum lot size requirements in item 4.0605-2A.

4.0606 Minimum Setback Requirements.

1. All structures shall be set back not less than one hundred (100) feet from all improved public roads measured from road right-of-way.
2. The minimum side yard and rear yard setback shall each be twenty (20) feet.

4.0607 Minimum Shelterbelt Setback.

1. Shelterbelts consisting of one or more rows of trees when parallel to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred fifty (150) feet from the right-of-way section line. Variance (4.2403) applications for minimum setback distances shall be submitted to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments.
2. Field belts consisting of one or more rows perpendicular to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred fifty (150) feet from the right-of-way section line. Variance (4.2403) requests to minimum setback distances shall be submitted to Zoning Commission / Zoning Board of Adjustments (BOA).
3. Shelterbelts and field belts along Township roads and statutory right-of-way section lines will also be required to meet the above setback distance requirements. If Variances to setback distances are requested, the applicant shall work with the Township Supervisors for “best placement” requirements. The Township shall take into consideration, the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas and areas that might be having improvements for future development. Townships may refer any Variance request for minimum setback distances of shelterbelts and field belts to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).
4. Replacement trees for existing damaged, diseased or dead trees in existing shelterbelts and field belts are exempt from minimum shelterbelt requirements as long as its nonconformance of the most current ordinance is not increased. The intent is for the replacement of failing individual trees in existing shelterbelts, not for replacing entire shelterbelts.
5. Shelterbelts or field belts that are bulldozed over or removed will be treated as new tree belts and are required to meet most current regulations unless a Variance (4.2403) procedure is approved.

4.0608 Approaches.

1. Along all Federal Highways and State Highways, approach applications shall be submitted to the SD DOT. The SD DOT typically requires a one thousand (1000) foot separation for approaches.
2. Along all Brown County roads, Highways (jurisdiction of Br Co Highway Department), applications for new approaches and alterations to existing approaches shall be filled out and submitted to the Zoning Department. The Zoning Department will design and draw location on plat map to communicate with the BC Highway Department for safety review, culvert size, culvert requirement and approach placement. Any request for Variance (4.2403) to separation distances will be submitted to the Zoning Commission / Zoning Board of Adjustments (BOA). Approaches shall be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations.
3. Along all Township roads and statutory right-of-way section lines, approaches shall also be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations. Any variance request to separation distance for approaches along township roads shall be at the discretion of the Township Supervisor’s. Township Supervisors are aware of the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas for a variance determination. Any Townships may refer any variance request for approach separation distances to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).

4.0609 Rezoning of Property.

1. ~~That the portion within the limits of Brown County, heretofore zoned Rural Urban (RU) by Title 4, Chapter 4.11 of the Revised Brown County Ordinances, as amended, to wit: South 435' of West 500' of the Southwest Quarter (SW 1/4) of Section 2, Township T127N, Range 63W of the 5th P.M., Brown County, South Dakota be and the same is hereby changed to Agriculture Preservation (AG-P) to be used in accordance with Title 4, Chapter 4.06 of the Revised Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Revised Brown County Ordinances (effective 1/28/94).~~

2. ~~That the portion within the limits of Brown County, heretofore zoned Heavy Industrial District (H-I) by Title 4, Chapter 4.16 of the Revised Brown County Ordinances, to wit: SW ¼ of Sec 23 T123N R65W of the 5th P.M., except railroad right of way and except Lot H-1, Brown County, SD, subject to easements, reservations and restrictions of record, if any (13380 378th Ave) be and the same is hereby changed to Agricultural Preservation (AG-P) to be used in accordance with Title 4, Chapter 4.06 of the Revised Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Map on file in the office of said Official, and by reference be made a part of the Revised Brown County Ordinances (effective 10/30/2012).~~

CHAPTER 4.07 MINI-AG DISTRICT (M-AG)

4.0701 Statement of Intent. The intent of the Mini Ag (M-AG) District is to provide an environment and area conducive to large residential lot/hobby farm endeavors while retaining a quasi-rural character.

4.0702 Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the Mini-Ag District:

1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, and poultry husbandry, excluding commercial feedlots; After November 01, 2020, a maximum of one (1) animal unit per 1 acre will be allowed in M-AG District for hobby farming.
2. Single-family residence or two-family dwellings (1 - twin home, 1 - two unit townhome, 1 - two unit condo, 1 - two unit apartment) and their normal accessory buildings, excluding mobile homes;
 - a. Any application for a new residence that will be constructed or placed in rural areas of Brown County after November 01, 2020 must sign and record a "right to farm" agriculture easement with said property in the Register of Deeds office as a Miscellaneous Record (MR) before a permit may be issued for a new residence. This would allow agricultural operations to continue as normal, to perform without complaint of dust, dirt, smell, noise or lights, as generated by Best Management Practices and any approved Conditional Use in this District; and,
3. Special Permitted Uses: not available;
4. Railroad track right-of-way; turn-a-rounds, side rails, off-rails, links, loop tracks.

4.0703 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the Mini-Ag District:

1. Roadside produce stands in conjunction with a bona fide farm operation on the premises; and
2. Artificial lakes(s) of three (3) acres or less.
3. Pole buildings, steel buildings, garages, calf shelters, other similar structures

4.0704 Special Exceptions/Conditional Uses. After notice and appropriate safeguards, the Board of Adjustment may permit the following as ~~special exceptions~~/Conditional Uses in the Mini-Ag District:

1. Home occupations; Hunting Lodges; Bed and Breakfast establishment;
2. Fairgrounds, racetracks, and amusement parks;
3. Utility substations; Communication Towers and Facilities; Wind Energy Conservation Systems;
4. Airports;
5. Golf courses, country clubs, and golf driving ranges;
6. Amphitheaters, stadiums, drive-in movies, arenas, and field houses;
7. Go-cart tracks, riding stables, playfields, athletic fields, bowling, swimming pools, and automobile parking;
8. Public parks, public recreational areas, churches, and schools;
9. Home business/office
10. Operation and maintenance terminal for trucks and other equipment;

11. Sand, gravel, or quarry operation, yet not including mineral extraction as defined in Chapter 4.01, 4.0102;
12. Sanitary landfill sites in accordance with South Dakota Environmental Protection Agency regulation;
13. Cemeteries;
14. Kennels/Boarding establishments and Veterinary establishments;
15. Wildlife propagation and game management.

4.0705 Minimum Lot Requirement.

1. The minimum lot frontage width shall be two hundred (200) feet.
~~The minimum lot area shall be:~~
 - ~~without central sewer or water—2 1/2 acres~~
 - ~~with central sewer or water—1 acre~~
 - ~~with central water and sewer and part of a subdivision—1/2 acre~~
2. The minimum lot area, not including right-of-way, shall be:
2-1/2 acres without a central sanitary sewer system or public water supply; or,
1 acre with a central sewer system or a public water supply
(200' x 545' = 2-1/2 acres minimum; 200' x 218' = 1 acre minimum)

4.0706 Minimum Setback Requirements.

1. All structures shall be set back not less than one hundred (100) feet along section line roads and
2. Not less than forty-five (45) feet along all others, measured from road right-of-ways lines.
3. The minimum side yard and rear yard setback shall each be ~~twenty five (25) feet.~~ twenty (20) feet.

4.0707 Minimum Shelterbelt Setback.

1. Shelterbelts consisting of one or more rows of trees when parallel to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred fifty (150) feet from the right-of-way section line. Variance (4.2403) applications for minimum setback distances shall be submitted to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments.
2. Field belts consisting of one or more rows perpendicular to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred fifty (150) feet from the right-of-way section line. Variance (4.2403) requests to minimum setback distances shall be submitted to Zoning Commission / Zoning Board of Adjustments (BOA).
3. Shelterbelts and field belts along Township roads and statutory right-of-way section lines will also be required to meet the above setback distance requirements. If Variances to setback distances are requested, the applicant shall work with the Township Supervisors for “best placement” requirements. The Township shall take into consideration, the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas and areas that might be having improvements for future development. Townships may refer any Variance request for minimum setback distances of shelterbelts and field belts to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).
4. Replacement trees for existing damaged, diseased or dead trees in existing shelterbelts and field belts are exempt from minimum shelterbelt requirements as long as its nonconformance of the most current ordinance is not increased. The intent is for the replacement of failing individual trees in existing shelterbelts, not for replacing entire shelterbelts.

5. Shelterbelts or field belts that are bulldozed over or removed will be treated as new tree belts and are required to meet most current regulations unless a Variance (4.2403) procedure is approved.

4.0708 Approaches.

1. Along all Federal Highways and State Highways, approach applications shall be submitted to the SD DOT. The SD DOT typically requires a one thousand (1000) foot separation for approaches.
2. Along all Brown County roads, Highways (jurisdiction of Br Co Highway Department), applications for new approaches and alterations to existing approaches shall be filled out and submitted to the Zoning Department. The Zoning Department will design and draw location on plat map to communicate with the BC Highway Department for safety review, culvert size, culvert requirement and approach placement. Any request for Variance (4.2403) to separation distances will be submitted to the Zoning Commission / Zoning Board of Adjustments (BOA). Approaches shall be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations.
3. Along all Township roads and statutory right-of-way section lines, approaches shall also be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations. Any variance request to separation distance for approaches along township roads shall be at the discretion of the Township Supervisor's. Township Supervisors are aware of the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas for a variance determination. Any Townships may refer any variance request for approach separation distances to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).

4.0709 Service Roads. Service roads may be required at the discretion of the ~~Planning Commission~~ Planning / Zoning Commission.

4.0710 Rezoning of Property:

- ~~1. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Second Revision Brown County Ordinances, as amended, to wit: **Whitetail Meadows 1st Subdivision in NW ¼ Sec 26-T123N-R65W of 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 8/16/2005).~~
- ~~2. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Second Revision Brown County Ordinances, as amended, to wit: **Lots 1A, 2A, 3A and 4A Bledsoe Second Subdivision in the SW ¼ of Sec 14 T124N-R64W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 1/17/2006).~~

3. ~~That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Second Revision Brown County Ordinances, as amended, to wit: **Lots 1-8 Fischbach First Subdivision in the SE ¼ of Sec 23-122N-R64W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/13/2006).~~
4. ~~That the portion within the limits of Brown County, heretofore zoned Rural Urban District (RU) by Title 4, Chapter 4.11 of the Second Revision Brown County Ordinances, as amended, to wit: **Lots 2-5 of Block A First Addition to Stratford in the SW ¼ of Sec 4-121N-R62W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/25/2007).~~
5. ~~That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, as amended, to wit: **Legacy Development in the NE ¼ of Sec 1-123N-R65W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 2/19/2008).~~
6. ~~That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, as amended, to wit: **Plat of Fischer-Richmond Lake Estates in the NE ¼ of Sec 23-124N-R65W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 2/19/2008).~~

CHAPTER 4.32 CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

4.3201 Intent. An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of county citizens and the State of South Dakota. However, livestock, poultry and other animals produce manure which may, where improperly stored, transported, or disposed, negatively affect the County environment. Animal manure must be controlled where it may add to air, surface water, or land pollution. The following regulations have been adopted to provide protection against pollution caused by manure from domesticated animals. All new and proposed expansions of Concentrated Animal Feeding Operations shall comply with the regulations as outlined herein.

It is the intention of the Zoning Commission / Board of Adjustment (BOA) in the enforcement of this ordinance that when an operator of an existing Concentrated Animal Feeding Operation applies for a permit to expand to another class level, the standards that apply to the expansion will not be applied to existing structures that were built in compliance with accepted industry standards in existence at the time of the construction of such facilities. A ~~special exception/~~ Conditional Use can be issued, as per Chapter 4.0604 - Agricultural Preservation (AG-P) - ~~Special Exception/~~ Conditional Use. Refer to Chapter 4.3205.10 for additional standards.

~~4.3202~~ Definitions:

Animal Manure. ~~Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.~~

Animal Units. ~~Animal species and number of a species required to equal 300, 1,000 and 2,000 animal units. Note that these figures relate to inventory rather than annual production. Other animal species equivalents, which are not listed will be based on species' waste production.~~

4.3202 Animal species and number of a species required to equal Class A thru D animal units (AU). Note that these figures relate to inventory rather than annual production. Other animal species equivalents, which are not listed, will be based on species' waste production. An animal unit is defined as an animal equivalent of 1000 pound live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs, 125 thousand broiler chickens, or 82 thousand laying hens or pullets.

EQUIVALENT NUMBER OF A SPECIES TO EQUAL: ANIMAL UNITS									
<u>ANIMAL SPECIES</u>	<u>CLASS A</u> <u>2,000 + AU</u>	<u>CLASS B</u> <u>1,000-1,999 AU</u>	<u>CLASS C</u> <u>300-999 AU</u>	<u>CLASS D</u> <u>40-299 AU</u>	<u>EQUIVALENT SPECIES/AU</u>				
Feeder or Slaughter Cattle	2,000 + hd	1,000 hd	300 hd	40 hd	1.0	AU			
Mature Dairy Cattle	1,430 hd	715 hd	215 hd	29 hd	1.4	AU			
Finisher Swine (over 55 lbs)	5,000 hd	2,500 hd	750 hd	100 hd	0.4	AU			
Nursery Swine (less than 55 lbs)	20,000 hd	10,000 hd	3,000 hd	400 hd	0.1	AU			
Farrow-to-Finish (sows)	540 hd	270 hd	80 hd	11 hd	3.7	AU			
Swine Production Unit – Sows (Breeding, Gestating & Farrowing)	4,260 hd	2,130 hd	640 hd	85 hd	0.47	AU			

Horses	1,000 hd	500 hd	150 hd	20 hd	2.0 AU
Sheep	20,000 hd	10,000 hd	3,000 hd	400 hd	0.1 AU
Turkeys	110,000hd	55,000 hd	16,500 hd	2,222 hd	0.018 AU
Laying Hens and Broilers (Continuous overflow watering in facility)	200,000hd	100,000hd	30,000 hd	4,000 hd	0.01 AU
Laying Hens and Broilers (liquid handling system in confinement facility)	60,000 hd	30,000 hd	9,000 hd	1,212 hd	0.033 AU
Ducks	10,000 hd	5,000 hd	1,500 hd	200 hd	0.2 AU

~~Applicant. An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.~~

~~Change in Operation. "Change in operation" means a cumulative expansion of more than 300 animal units, after December 18, 1997 which are confined at an existing unpermitted Concentrated Animal Feeding Operation.~~

~~Farm Dwelling. Any dwelling owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers.~~

~~Non-Farm Dwelling. Any occupied dwelling which is not a farm dwelling.~~

~~Permit. A permit required by these regulations unless stated otherwise.~~

~~Potential Pollution Hazard. A Concentrated Animal Feeding Operation of 0-300 Animal Units may be classified as a Class E Operation by the County Zoning Officer when a Potential Pollution Hazard exists. Factors to be considered by the Zoning Officer in determining a Potential Pollution Hazard include the following:~~

- ~~1. The Concentrated Animal Feeding Operation does not meet the minimum setback and separation distances of these regulations.~~
- ~~2. A Potential Water Pollution Hazard exists due to sitting over near a shallow aquifer or drainage, which contributes to the waters of the State.~~

~~Process Generated Wastewater. Water directly or indirectly used in the operation of an animal feeding operation. The term includes spillage or overflow from water systems; water and manure collected while washing, cleaning or flushing pens, barns, manure pits or other areas; water and manure collected during direct contact swimming, washing or spray cooling of animals; and water used in dust control.~~

~~Process Wastewater. "Process wastewater" means any process-generated wastewater and any precipitation (rain or snow) that comes into contact with animals, manure, litter or bedding, feed or other portions of the animal feeding operation. The term includes runoff from an open lot.~~

~~Shall. "Shall" means that the condition is an enforceable requirement of this permit.~~

~~Shallow Aquifer. An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.~~

~~Shallow Well. A well which is located in a shallow aquifer.~~

~~Should. "Should" means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.~~

~~Significant Contributor of Pollution. To determine if a Concentrated Animal Feeding Operation meets this definition, the following factors are considered:~~

- ~~1. Size of feeding operation and amount of manure reaching waters of the state;~~
- ~~2. Location of the feeding operation in relation to waters of the state;~~
- ~~3. Means of conveyance of manure and process wastewater into waters of the state;~~
- ~~4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state.~~

~~Water of the State. "Water of the State" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.~~

~~Zone A. Special Flood Hazard Areas without a detailed study subject to inundation by the 100-year flood.~~

~~Zone AE. Special Flood Hazard Areas with a detailed study subject to inundation by the 100-year flood~~

~~Zone X-shaded. These areas have been identified in the community flood insurance study as areas of moderate or minimal hazard from the principal source of flood in the area.~~

~~Zone X. These areas have been identified in the community flood insurance study as areas of no hazard from the principal source of flood in the area~~

- 4.3203 Classes of Concentrated Animal Feeding Operations (CAFO). A Concentrated Animal Feeding Operation (CAFO) is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 180 days or more during any 12-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. Two or more animal feeding operations under common ownership are a single animal operation if they adjoin each other, or if they use a common area, or a common system for disposal of manure.

For the purpose of these regulations, Concentrated Animal Feeding Operations (CAFO) is divided into the following classes:

ANIMAL UNITS

CLASS A	2,000 or more
CLASS B	1,000 to 1,999
CLASS C	300 to 999
CLASS D	0 to 300 40 to 299 (Potential water poll hazard)
CLASS E	0 to 300 (No pollution hazard)

4.3204 Concentrated Animal Feeding Operation (CAFO) Permit Requirements. Owner of Class A, Class B, Class C, and Class D Concentrated Animal Feeding Operations (CAFO) are required to complete a permit application whenever any of the following occur:

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.
3. A cumulative expansion by 300 ~~500~~ animal units, after December 18, 1997, November 01, 2020 ~~of~~ for an existing Concentrated Animal Feeding Operation that does not have a permit.
4. If a livestock operation with a DENR construction permit or a Brown County Zoning permit is sold, the new owner is subject to all the terms and conditions of the permit for the same operation. The DENR and Brown County Zoning Board of Adjustments (BOA) must be notified of the transfer by the current permit holder and the new permit holder within 30 days of the transfer. The new permit holder ~~may need to~~ shall supply the information to modify the permit to reflect the new ownership to the Brown County Zoning Board of Adjustments (BOA) (if the DENR ~~or~~ Brown County Zoning board requests). A person who is a habitual violator or has a pending enforcement action may not purchase a confinement operation with a DENR ~~or~~ Brown County Zoning Board permit.
5. An existing Concentrated Animal Feeding Operation (CAFO) is to be restocked after being idle for ~~five (5) or more years~~ more than two (2) years.
6. A signed complaint has been received by the Brown County Zoning Officer or South Dakota Department of Environment and Natural Resources and after inspection reveals that the Concentrated Animal Feeding Operation (CAFO) is in violation of County or State regulations.

4.3205 Concentrated Animal Feeding Operation Control Requirements.

1. No Significant Contribution of Pollution

In general, no Concentrated Animal Feeding Operation (CAFO) shall be constructed, located or operated so as to create a significant contribution of pollution.

2. State General Permit

Classes A and B Concentrated Animal Feeding Operations (CAFO) shall obtain a State General Permit pertaining to the animal species of the Concentrated Animal Feeding Operation (CAFO). A County permit may be approved conditioned on receiving an approved State permit.

Classes C and D Concentrated Animal Feeding Operations (CAFO) will be required to obtain a State General Permit if either of the following occur:

- a. If an earthen storage basin or lagoon is used for manure storage.
- b. The Zoning Board of Adjustment (BOA) decides conditions of a State permit.

3. Nutrient Management Plan

Classes A, B & C, Concentrated Animal Feeding Operations shall submit a Nutrient Management Plan to the State. Classes A, B, C, and D Concentrated Animal Feeding Operations shall submit a Nutrient Management Plan to the County. The applicant shall develop, maintain, and follow a nutrient management plan to ensure safe disposal of manure and protection of surface and ground water. The South Dakota Department of Environment & Natural Resources must approve the plan prior to land application of any wastes. Due to crop rotation, site changes, and other operational changes, the producer should update the plan annually to reflect the current operation and crops grown on the application sites. The applicant shall collect, store, and dispose of liquid and solid manure according to recognized practices of good agricultural management. The economic benefits derived from agricultural operations carried out at the land disposal site are secondary to the proper and safe disposal of manure.

A generic nutrient management plan that the applicant may use in developing a nutrient management plan is available from the South Dakota Department of Environment & Resources and may be used for Class C & D Concentrated Animal Feeding Operations. The generic nutrient management plan is based on application of nitrogen. The applicant may use other plans, provided the alternate plan contains all the information necessary to determine compliance with conditions of this general permit. Nitrogen, in addition to that allowed in the nutrient management plan, may be applied up to the amounts as indicated by soil or crop nitrogen test results that are necessary to obtain the realistic crop yield.

The South Dakota Department of Environment & Natural Resources recommends and encourages producers to develop nutrient management plans for other nutrients such as phosphorous and potassium. Over application of these nutrients may lead to water quality problems in area lakes and streams and result in potential damage to the producer's land and crop.

The applicant must maintain records to show compliance with the plan.

The plan must comply with the County Manure Application Setbacks as shown in 4.3205 #10.

Land spreading agreements shall be provided if applicant does not have minimum acreage to apply animal manure. ~~Animal manure shall be applied within five miles of the Concentrated Animal Feeding Operation.~~

4. Manure Management and Operation Plan

Classes A and B Concentrated Animal Feeding Operations shall submit a Manure Management Plan, and an Operation Plan and approval from SD DENR.

A. Plan must include:

- (1) The location and specifics of proposed animal manure facilities.
- (2) The operation procedures and maintenance of manure facilities.
- (3) Plans and specifications must be prepared or approved by a registered professional engineer, or a South Dakota licensed Natural Resource Conservation Service (NRCS) engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer.
- (4) Animal manure shall not be stored longer than two years.
- (5) Manure containment structures shall provide for a minimum design volume of 270 days of storage.
- (6) Producers shall keep records of manure applications on individual fields, which document acceptable manure and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields.
- ~~(7) Manure transportation plan; manure transportation is limited to five miles from the place of origin.~~

B. As a condition of the permit, the County Board of Adjustment (BOA) may require the producer to participate in environmental training programs and become a certified livestock manager.

C. The Board of Adjustment (BOA) may require manure to be injected or incorporated into the soil.

5. Management Plan for Fly and Odor Control

Classes A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The County Board of Adjustment (BOA) will review the need for control measures on site specific basis, taking in consideration prevailing wind direction and topography. The following procedures to control flies and odors should be considered in a management control plan.

- A. Operational plans for manure collection, storage treatment and use must be kept updated and implemented.
- B. Methods to be utilized to dispose of dead animals should be included in the management plan.
- C. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds and/or lagoons.

- D. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.
- E. Store solid manure in containment areas having good drainage to minimize odor production.
- F. Remove manure from open pens as frequently as possible to minimize odor production.
- G. Consider use of covers on open storage systems for liquid manure systems to reduce odor production.
- H. Avoid applying manure on weekends, holidays, and evenings during warm season when neighbors may be involved in outdoor recreation activities.
- I. Avoid surface application when allowable during calm and humid days, since these conditions restrict the dispersion and dilution of odors.
- J. Incorporation of manure must occur within 24 hours of open air spreading.

6. Required Setbacks (defined as radius) and Separation Distance for new Concentrated Animal Feeding Operations (CAFO) and those expanding by 300 or More Animal Units after ~~December 18, 1997~~ November 01, 2020.

	MINIMUMS <u>SETBACKS</u>			
	CLASS A	CLASS B	CLASS C	CLASS D & E <u>1320</u>
Established Residences not including owners/operators	3,960 feet*	2,640 feet	2,640 feet	2,640 feet
Churches, Businesses and Commercially Zoned Areas	5,280 feet*	5,280 feet	2,640 feet	2,640 feet
Incorporated Municipality	3 miles	2 miles	5,280 feet	2,640 feet
Public Water Supplies & Private Wells other than the operator	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Lakes and Streams classified as Fisheries as identified by the State	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Housed <u>Feeding</u>	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open Lot <u>Feeding</u>	300 feet	300 feet	200 feet	200 feet
Township Road ROW Housed	150 feet	150 feet	150 feet	150 feet

Township Road ROW Open Lot 150 feet	150 feet	150 feet	150 feet
Designated 100 Year Floodplain Prohibited	Prohibited	Prohibited	Prohibited

* Plus 1,000 feet for each additional 1,000 Animal Units (AU)

Proposals for new Concentrated Animal Feeding Operations (CAFO), ~~on a site-by-site basis~~, shall be set back from adjoining property lines as determined by the ~~County~~ Board of Adjustment (BOA) for each application on a site-by-site basis.

7. Exemptions from Separation Distance

- A. If a Concentrated Animal Feeding Operation (CAFO) is closer than the separation distances provided in these regulations, the applicant ~~can~~ shall request a written waiver ~~from owners of neighboring properties that are closer than the minimum from the separation distance required in this section.~~ The residence, business, church, school, municipality, or public use area may waive the distance requirement and sign a waiver. The waiver is shall be notarized and recorded in the Brown County Register of Deeds Office as a Miscellaneous Record (MR) with the "waived" property and with the "CAFO" property. ~~with the County Register of Deeds in order~~ This recording shall transfer with a change of ownership so that any other future owners ~~can~~ will be informed.
- B. Concentrated Animal Feeding Operation (CAFO) expansion of 300 animal units or more ~~can~~ may apply to the ~~County~~ Board of Adjustment (BOA) for a variance to the required setback and separation distance regulations on a site by site basis.

8. New Residences

- A. Anyone establishing a new residence in the County near an existing CAFO, must comply with the minimum setbacks as stated in Section 6, Established Residences, upon determining the class of the concentrated animal feeding operation where the new residence will be located. The owner shall also sign a waiver if it is within the setback boundaries, have it notarized and filed at the Register of Deeds Office as a miscellaneous record (MR).

9. Floodplain Zones.

The following uses are prohibited in Zone A or Zone AE:

- (1) New Concentrated Animal Feeding Operations after adoption of this ordinance.
- (2) Existing Concentrated Animal Feeding Operations will not be able to expand beyond a total of 300 animal units.
- (3) Earthen storage basins and lagoons.
- (4) Stockpiling of solid waste.

The following uses are prohibited in Zone X-shaded:

- (1) New and expansion of Class A and B Concentrated Animal Feeding Operations.
- (2) Earthen storage basins and lagoons.

The following uses are allowed in Zone X-shaded by ~~Special-Exception~~ a Conditional Use:

- (1) New Class D and expansion of existing Class D up to 999 animal units (Class C).
The County may require soil borings to determine impermeable material between land surface and the aquifer.

Each application for a new or expanded Concentrated Animal Feeding Operation (CAFO) will be reviewed by the Board of Adjustment (BOA) on a site specific basis. The Board of Adjustment (BOA) reserves the right to increase the minimum required setbacks and separation distance on a site specific review, based on one or more of the following considerations.

- A. A Concentration of CAFOs in the area exists or would occur which may pose an air or water quality concern.
- B. Due to topography and prevailing wind direction, additional setback and separation distance is appropriate to safeguard air or water quality.
- C. A Concentrated Animal Feeding Operation (CAFO) is in excess of 5,000 animal units.

9-10. Manure Application Setbacks

- A. The following manure application setbacks apply to all classes of Concentrated Animal Feeding Operations (CAFO).

COUNTY MANURE APPLICATION SETBACKS

<u>CATEGORY</u>	<u>SURFACE OR IRRIGATION APPLIED</u>	<u>INCORPORATED OR INJECTED</u>
Lakes, Rivers and Streams Classified as Fisheries from high water mark	1,000 feet	100 feet (lake) 50 feet (river & stream)
Streams and Lake classified as Drinking Water Supplies	1,000 feet	300 feet
Public Roads	25 feet (surface) from right-of-way 300 feet (irrigation)	10 feet from right-of-way
Area of 10 or more Residences	300 feet (surface) 1,000 feet (irrigation)	300 feet
Public Wells	1,000 feet	1,000 feet
Private Shallow Wells	1,000 feet	250 feet
A Residence other than the Operator	1,000 feet	300 feet
Natural or Manmade Drainage	500 feet	50 feet

- B. The County Board of Adjustment (BOA) may require liquid manure to be incorporated or injected in order to minimize air and water quality impacts.
- C. Requests for application of liquid manure by means of irrigation will be reviewed by the Board of Adjustment (BOA) on a site-specific basis. Impact on air and water quality will be taken into consideration.

~~10~~11. Standards for ~~Special Exceptions~~ / Conditional Uses

- A. The County Board of Adjustment (BOA) may request information relating to a Concentrated Animal Feeding Operation not contained in these regulations.
- B. The County Board of Adjustment (BOA) may impose, in addition to the standards and requirements set forth in these regulations, additional conditions which the Board of Adjustment (BOA) considers necessary to protect the public health, safety and welfare.
- C. ~~Special Exceptions~~ Conditional Uses shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are being adhered to.
- D. When considering an application, the County Board of Adjustment (BOA) will take into consideration current and past violations relating to Concentrated Animal Feeding Operations that the applicant has an interest in.
- E. Permit applicants will be required to file a letter of assurances as required by the Board of Adjustment (BOA). The letter of assurances will be prepared by the zoning officer and signed by both the applicant and the zoning officer.
- F. A neighboring township that adjoins between two counties will follow the regulations of the county that is most restrictive.
- G. An applicant's record on environmental issues, employment, and labor compliance must be submitted with the application. If the County Planning - Zoning Commission – Zoning Board of Adjustments (BOA) finds the person is a "bad actor" then the applicant will be denied a permit.

~~11~~12. Facility Road Maintenance Agreements

All facilities within Brown County that cause excessive maintenance of County or Township roads shall be required to have a written agreement with the Township Board or Brown County Highway Superintendent, stating acceptance responsibility for all additional costs incurred by the facility in maintenance of said road. Excessive maintenance shall be defined as: All work and materials costs incurred over and above the average cost of maintaining that specific type of road within that local governmental units jurisdiction. The terms of said agreement shall be determined prior to the issuance of a ~~special exception~~ / Conditional Use permit.

~~12~~13. Information Required for Class A and B Concentrated Animal Feeding Operation Permit

- A. Owner's Name, address and telephone numbers.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements including site plan to scale.
- H. General permits from South Dakota Department of Environment & Natural Resources if available for animal species.
- I. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources.
- J. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- K. Notification of whoever maintains the access road (township, county and state).
- L. Notification of public water supply officials.
- M. Any other information as contained in the application and requested by the County Zoning Officer.
- N. Written notification to landowners or tenants living within the setback area to the proposed facility, and publication of notice in official County newspaper at least once.
- O. A full written plan must be submitted at least four weeks in advance of the public hearing in the county courthouse or other location, available for public inspection.
- P. A copy of the general permit application must be submitted to the County, at the time it is submitted to State Department of Environment and Natural Resources.
- Q. A list of owner's names contracted to do manure land spreading and a legal description of the land must be submitted to the County.

1314. Information Required for Class C and D Concentrated Animal Feeding Operational Permit

- A. Owner's name, address and telephone number.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.

- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements, including site plan to scale.
- H. Review of plans and specification and nutrient management plan by the South Dakota Department of Environment & Natural Resources if using lagoon or earthen storage basin.
- I. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- J. Notification of whoever maintains the access road (township, county and state).
- K. Notification to public water supply officials.
- L. Any other information as contained in the application and requested by the County Zoning Officer.

CHAPTER 5.01

GENERAL PROVISIONS

5.0101 Purpose. These regulations shall be for the purpose of implementing the Brown County Comprehensive Plan by shaping development patterns and providing for consistency in the quality of development.

5.0102 Jurisdiction. These regulations shall apply within the unincorporated areas of Brown County, South Dakota, including the incorporated municipalities of Claremont, Columbia and Stratford, yet excluding areas of joint jurisdiction with Aberdeen, Frederick, Groton, Hecla and Warner. (Ordinance 087 amendment)

5.0103 Extent of Regulations.

1. The provisions of these regulations shall apply to every addition to, or subdivision within, any city or town listed within subchapter 5.0102, provided that if the land or any part thereof included in any such addition or subdivision is within, adjoining or contiguous to the boundaries of any city or town, listed in 5.0102 the plat thereof, before being recorded, shall be submitted to the governing body thereof, which shall thereupon examine the same, and it shall appear that the system of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city or town, and that all taxes, if any, upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have been executed according to law, such governing body shall approve the same, and the auditor or clerk shall endorse on such plat a certification of acceptance. No plat of any such addition or subdivision so situated shall be entitled to record or be recorded unless the same bears the acceptance certificate of the auditor or clerk.

2. Whenever any person wishes to plat any lands outside the boundaries of a municipality which are not included in 5.0103 (1), he shall be governed by and proceed in accordance with the provisions of these regulations, except that before recording his plat, he shall submit the same for review as outlined within these regulations.

5.0104 Definitions. For the purposes of this Title, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural number and plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

The word building includes the word structure.

ALLEY: A public right-of-way, which is used primarily as a secondary means of access to the abutting property.