

# AGENDA

## REGULAR SCHEDULED MEETINGS

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, AUGUST 20, 2019 – 7:00 PM  
EAST SIDE of BSMNT COMMUNITY ROOM,  
BROWN COUNTY COURTHOUSE ANNEX

- I. Call to Order: Planning/Zoning Commissioner Chairman Jerry Streckfuss
- II. Roll Call: Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts, B.C. Commissioner Rachel Kippley serving on the Planning/Zoning Commission & Chairman Jerry Streckfuss;
- III. Minutes: July 16, 2019
- IV. Old Business:
- V. New Business: Zoning Commission as Zoning Board of Adjustment
  - 1. Variance to Building Setbacks in Mini Agricultural District (M-AG) described as Outlot 2, Sommers Addition in the SW1/4 of Section 26-T123M-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2721 392<sup>nd</sup> Ave).
  - 2. Variance to Building Setbacks in an Agriculture Preservation District (AG-P) for property described as North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5th P.M., Brown County, South Dakota (38303 128<sup>th</sup> St).
  - 3. Special Exception/Conditional Use in an Agriculture Preservation District (AG-P) for a property described as North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5th P.M., Brown County, South Dakota (38303 128<sup>th</sup> St).
  - 4. Special Exception/Conditional Use in a Heavy Industrial District (H-I) for property described as "Inman Irrigation Addition" in the SW1/4 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (533 392<sup>nd</sup> Ave South).
  - 5. Special Exception/Conditional Use in a Heavy Industrial District (H-I) for property described as Lot 4, "Sunrise Estates" in the NW1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2020 Br Co Hwy #19).
  - 6. Variance to minimum Lot Size in an Agriculture Preservation District (AG-P) for property described as Lot 1, "Cully Conn Subdivision" in the NW1/4 of Section 05-T124N-R65W of the 5th P.M., Brown County, South Dakota (37545 124<sup>th</sup> St).
- VI Other Business:

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

## REGULARLY SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

### *Beginning as Planning Commission*

- I. Old Business:
- II. New Business: **Planning Commission**
  - 10. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described: Lot 4, Block 1, "Richmond Heights Subdivision" in the E1/2 of Section 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38377 Richmond Heights Dr).
  - 11. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described: 137' South of North 548' of East 318' NE ¼ of the SE1/4 of Section 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1424 S Melgaard Rd).
  - 12. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described: Lot 1, "Klootwyk Addition" in the NE1/4 of Section 5-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39595 130<sup>th</sup> St).
  - 13. **Preliminary and Final Plat** for a property described: "Klootwyk Addition" in the NE1/4 of Section 05-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39595 130<sup>th</sup> St).
  - 14. **Preliminary and Final Plat** for a property described: "Cully Conn Subdivision" in the NW1/4 of Section 05-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37545 124<sup>th</sup> St).
  - 15. **Preliminary and Final Plat** for a property described as "Prairie Hill Farms Second Subdivision" in the SW1/4 of Section 11-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39805, 39814 & 39816 126<sup>th</sup> Street).
  - 16. **Discussion on Update of Comprehensive Plan** for Brown County, South Dakota to meet the needs of Brown County in the future.
- III. Other Business:



# MINUTES

## BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JULY 16, 2019 - 7:00 P.M.

COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

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

After discussion, North moved and Keatts seconded to approve the minutes of the June 18, 2019 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*

1. **Variance for Approach Separation** in an Agricultural Preservation District (AG-P) described as S1/2S1/2SW1/4 of Section 24-T128N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39948 104<sup>th</sup> St). Submitted by Owen Elsen. Present for this item was Owen Elsen. Following discussion, Beckler moved to **approve a variance to approach separation distance** to be 375' from the centerline of the new middle approach to the quarter line of Section 24 rather than 500' required w/stipulation that the existing west approach must be removed before the end of project, Bettmann seconded, all members voting aye, motion carried.
2. **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) for property described as Lot 19 and the west 60 of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of

Section 25, T124N and R65W, of the 5th P.M., Brown County, South Dakota (379252 South Shore Dr). Submitted by Randy Bacon. Present for this item was Randy Bacon. Following discussion, North moved to approve variance to building setbacks to be 20' from the east front yard rather than 100' and 07' from the south side yard rather than 20' required in the current AG-P District w/stipulation that this parcel be rezoned to Lake Front Residential District (R-3), Bettmann seconded, all members voting aye, motion carried.

3. Variance for Frontage Width in an existing Agriculture Preservation District (AG-P) for a proposed property described as Lot 1 "Fliehs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R65W, of the 5th P.M., Brown County, South Dakota (40548 131<sup>st</sup> St). Submitted by Rich Fliehs. Following discussion, Beckler moved to approve a reduced frontage width to 60' rather than 200' required, Bettmann seconded, all members voting aye, motion carried.
  
4. Variance to Building Setbacks in a Highway Commercial District (HC) for property described as Lot 1 "Weismantel Subdivision" in the SW1/4 of Section 10, T123N and R64W, of the 5th P.M., Brown County, South Dakota (2510 8<sup>th</sup> Ave NW). Submitted by Todd Rosebrock for Stow-N-Go Storage. Present for this item was Todd Rosebrock, Jeff Weismantel, Jim Weismantel and Peggy Schulte. Following discussion, Kippley moved to approve variance for building setbacks to be 5' from the west and north property lines. Keatts seconded, all members voting aye, motion carried. (NOTE: City of Aberdeen Ordinance for Highway Commercial (HC) allows 0' setbacks from side yard and rear yard. County Ordinance is 25' from side yard and rear yard. During this transition period of the city relinquishing their rights of all planning & zoning requirements outside of the city limit line, this item was brought before the zoning BOA at the recommendation of Deputy States Attorney, Karley Winter for the zoning BOA to recognize this item for discussion on the project because of the vast differences in setbacks).

5. **Discussion on proposed changes for Permit Fees and Application Fees and updates.** Submitted by Scott Bader for Brown County Planning and Zoning Office. Following discussion, Beckler moved to **approve the fee schedules as submitted,** North seconded, members voting aye were Bettmann, Keatts, Beckler, North and Streckfuss. Kippley abstained from her vote, Kurth was absent, motion carried.

Other Business: none

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

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## REGULARLY SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

Old Business:

New Business: *Brown County Planning Commission*

10. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property: Lot 1, "BCPRL Addition" in the NW1/4 of Section 29-T123N-R64W of the 5th P.M., Brown County, South Dakota (38349 134<sup>th</sup> St). Submitted by Brown County Pet Rescue League (BCPRL). Present for this item was Shannon Bohl and Emily Mitchell. Following discussion, Bettmann moved to **recommend approval of this rezone to the Board of County Commissioners,** Keatts seconded, all members voting aye, motion carried.
11. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for property: Lot 1, "T&J Investments Addition" in the NE1/4 of Section 30-T124N-R63W of the 5th P.M., Brown County, South Dakota (12845 389<sup>th</sup> Ave). Submitted by Todd Muldoon. Following discussion, North moved to **recommend approval of this rezone to the Board of County Commissioners,** seconded by Keatts, all members voting aye, motion carried.

12. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for proposed property of plat below: Lots 1&2, "Flihs-Koehler Subdivision" in the SW1/4 of Section 1-T123N-R61W of the 5th P.M., Brown County, South Dakota (40546 & 40548 131<sup>st</sup> St). Submitted by Rich Flihs. Following discussion, Keatts moved to **recommend approval of this rezone to the Board of County Commissioners**, seconded by Bettmann, all members voting aye, motion carried.
13. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) for property: Lot 19 & west 60' of Lot 18, "Lutgen's South Shore Addition" in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379252 South Shore Dr). Submitted by Randy Bacon. Present for this item was Randy Bacon. Following discussion, North moved to **recommend approval of this rezone to the Board of County Commissioners**, seconded by Bettmann, all members voting aye, motion carried.
14. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for property: Lots 1-3, "Prairie Hill Farm's Subdivision" in the SW1/4 of Section 11-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39805, 39814 & 39816 126<sup>th</sup> Street). Submitted by Jim Thayer. Following discussion, Beckler moved to **recommend approval of this rezone to the Board of County Commissioners**, seconded by North, all members voting aye, motion carried.
15. **Preliminary and Final Plat** for a property described as "Wiedmeier Addition" in the town of Stratford in the SW1/4 of Section 04-T121N-R62W of the 5th P.M., Brown County, South Dakota (70 McLoed Ave). Submitted by Dennis Wiedmeier. Following discussion, Bettmann moved to **recommend approval of this plat to the Board of County Commissioners**, seconded by Beckler, all members voting aye, motion carried.
16. **Preliminary and Final Plat** for a property described as "Wiedmeier Block 19 Subdivision" in Stratford in the SW1/4 of Section 04-T121N-R62W of the 5th P.M., Brown County, South Dakota (275 North 4<sup>th</sup> St).

Submitted by Dennis Wiedmeier. Following discussion, North moved to recommend approval of this plat to the Board of County Commissioners, seconded by Keatts, all members voting aye, motion carried.

17. Preliminary and Final Plat for a property described as “Fliehs-Koehler Subdivision” in the SW1/4 of Section 1-T123N-R61W of the 5th P.M., Brown County, South Dakota (40546 & 40548 131<sup>st</sup> St). Submitted by Richard Fliehs. 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.
18. Preliminary and Final Plat for a property described as “Thares Third Subdivision” in the N1/2SE1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (12961 & 12965 387<sup>th</sup> Ave). Submitted by Jim Thares. 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.
19. Preliminary and Final Plat for a property described as “Pinnacle Ag Subdivision” in the SW1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (13352 384<sup>th</sup> Ave, 13360 384<sup>th</sup> Ave and 38420 US Hwy #12). Submitted by Jeremy Schrempp. 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.
20. Petition to Change Road Name from RO-JU-OS Place in Section 08-T128N-R65W of the 5th P.M., Palmyra Township, Brown County, South Dakota (10150 to 10199) to “West Elm Lake Dr” in Section 08-T128N-R65W of the 5th P.M., Palmyra Township, Brown County, South Dakota. Submitted by Bobbi Dunlavy. Following discussion, Beckler moved to recommend approval to the Board of County Commissioners to change the existing road name to “West Elm Lake Dr”, seconded by Bettmann, all members voting aye, motion carried.



21. **Discussion to Update Comprehensive Plan** for Brown County, South Dakota to meet the needs of Brown County in the future. Eric Senger from NECOG came in to discuss the draft of the Comprehensive Plan for Brown County. There is a request for some changes that will be made and the Plan may be brought to the August meeting for discussion and may be published for the September meeting.

**Other Business:**

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

Submitted by: Scott Bader - Planning & Zoning Director.



# STAFF REPORT

August 20, 2019

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## VARIANCE FOR BLDG SETBACKS IN M-AG

ITEM #01

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### GENERAL INFORMATION

PETITIONER	Jodie Michaelsohn
REQUEST	<b>Variance for Building Setbacks</b>
LEGAL DESCRIPTION	Outlot 2, Sommers Addition in the SW1/4 of Section 26-T123M-R63W of the 5 <sup>th</sup> P.M., Brown County, South Dakota.
LOCATION	2721 392 <sup>nd</sup> Ave
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 Variance for Building Setbacks in a M-AG District allowing for: 15' setback on the north side yard for a 50'x86' pole building rather than 25' required from property lines in M-AG District. This would be the outer most edge including overhangs.

**REVIEW:** The owner submitted their plan to the City of Aberdeen to build their house and pole building. They are close to being finished with their house, went to the City to get a permit for their pole building and the City sent them to the County for a permit. Brown County has different setbacks than the City and the owners have submitted an application for a variance to match what the City had for setbacks.



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: August 02, 2019  
RECEIPT # 132177  
TOWNSHIP: Bath Twp

FEES: 25.00  
PAID: ~~YES~~ ~~NO~~ CHK ~~CASH~~  
DATE: 08/02/2019

OWNERS SIGNATURE: Jodie Michaelsohn  
OWNERS ADDRESS: 827 South McCoy St  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-225-5940

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Variance from north side yard setbacks to be 15' rather than the 25' required in the Br. Co. Ordinance for a 50'x86' Pole Building. City of Aberdeen uses 15' setback and this project is a "carry-over" with their new house.

**LEGAL DESCRIPTION:** Outlot 2, Sommers Addition in the SW1/4 of Section 26-T123M-R63W  
of the 5th P.M., Brown County, South Dakota

**Planning Commission Action:** Approved / Denied \_\_\_\_\_

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HEARING DATE:** August 20, 2019 **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

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By reviewing township Directory maps for correct information before we publish the next issue, FHP will send you a free book of any county in any state printed by FHP for that year.

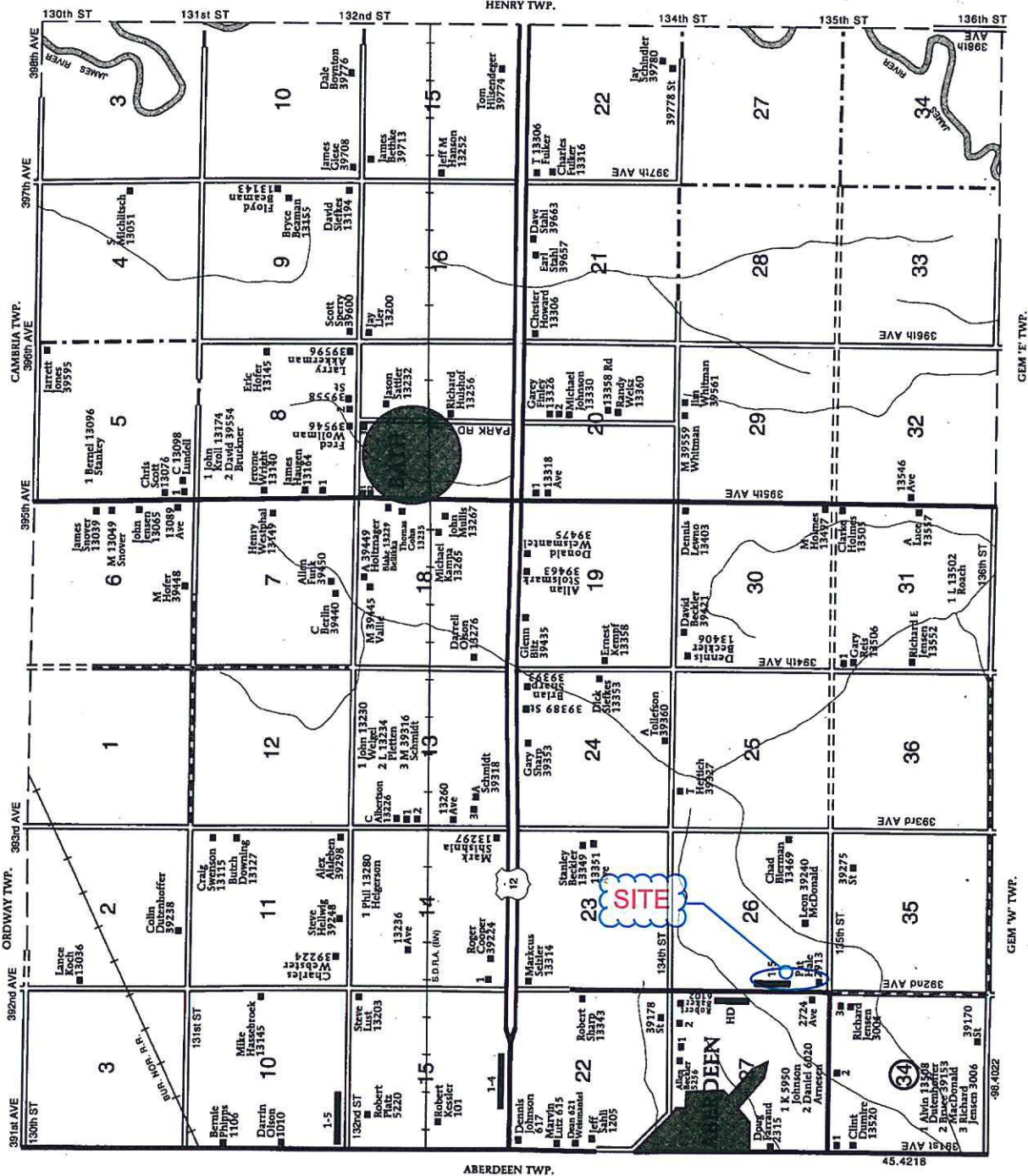
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T-123-N

## BATH DIRECTORY

R-62-63-W

(Residents - Owners or Renters)



ABERDEEN TWP. 45.4218

- BATH TOWNSHIP**
- SECTION 10W**
- 1 Beckler, Ron 5005
  - 2 Tennant, Cory 5025
  - 3 5091
  - 4 Gross, Del 5115
  - 5 Harper, Steve 5219
- SECTION 15W**
- 1 Gossman, C 5405
  - 2 Ehlers, Todd 5455
  - 3 Knudson, R 5485
  - 4 Gossman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
  - 2 Brinkman, Stanley 13230
- SECTION 20**
- 1 Weespnael, Henry 13316
  - 2 Rohrbach, Kevin 13328
- SECTION 26**
- 1 Bellikka, Daryl 2111
  - 2 Kohlihaas, Paul 2135
  - 3 Griese, Doug 2215
  - 4 Rud, Robert 2317
  - 5 Mattern, R 2519

## 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 *August 20, 2019 at 7:00 P.M.* for the purpose of a Variance to Side Yard Setbacks in a Mini Agriculture District (M-AG).

Petitioner & owner: *Jodie Michaelsohn*

Description of property: *Outlot 2, Sommers Addition in the SW1/4 of Section 26-T123M-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2721 392<sup>nd</sup> Ave South)*

Reason: *Requesting a Variance to be 15' from the north side yard property line rather than the 25' required in the Brown County Ordinance..*

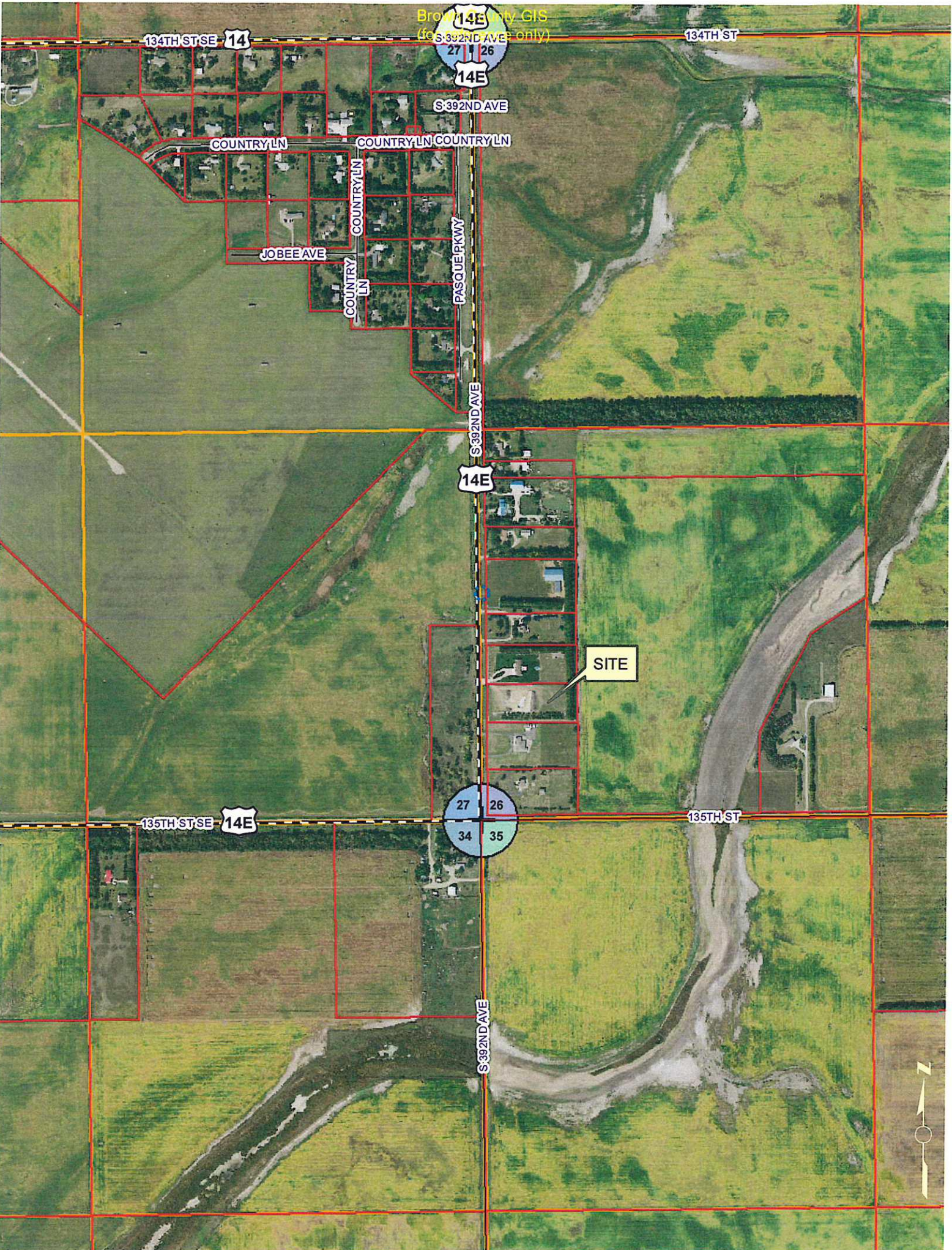
The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

*Dated this 02nd day of August 2019*

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

Published once at the total approximate cost of \_\_\_\_\_.

Brown County GIS  
(for S-392ND AVE only)



134TH ST SE 14

14E  
27 26

134TH ST

S-392ND AVE

COUNTRY LN

COUNTRY LN COUNTRY LN

JOBEE AVE

COUNTRY LN

PASQUE PKWY

S-392ND AVE

14E

SITE

135TH ST SE 14E

27 26  
34 35

135TH ST

S-392ND AVE





Brown County GIS  
(for reference only)

SITE

14E

S 392ND AVE

135TH ST SE

14E

S 392ND AVE

135TH ST





# STAFF REPORT

August 20, 2019

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**Variance to Setbacks in AG-P District**

**ITEM #** 2

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GENERAL INFORMATION:

PETITIONER: East River Electric Power

REQUEST: **Variance to Setbacks** for a small 30' high tower with their own attachments for transmitting sub-station.

LEGAL DESCRIPTION: North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 38303 128<sup>th</sup> St

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North: Agriculture Preservation District (AG-P)  
South: Agriculture Preservation District (AG-P)  
East: Agriculture (A-1) City 3-mile zone  
West: Mini Agriculture District (M-AG)

REPORTED BY: Scott Bader

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

REVIEW: This Variance is necessary before a Conditional Use can be reviewed. The distance for the Tower from the north front yard to be 80' rather than 200' and west front yard to be 140' rather than 200' required from R.O.W. line. The distance from the right-of-way line and from the closest residential house is 700' which exceeds the minimum required 300'.




# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: August 2, 2019  
RECEIPT # \_\_\_\_\_  
TOWNSHIP: Lincoln Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: 8/11/19

OWNERS SIGNATURE: East River Electric Power   
OWNERS ADDRESS: P.O. Box 227  
OWNERS CITY, STATE, ZIP: Madison, SD 57402-0227  
OWNERS PHONE: 605-351-8076

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** A new 30' tower for transmitting necessary equipment from substation. Asking to be 80' from north front yard R.O.W. line and 140' from the west R.O.W. line rather than 200' required.

**LEGAL DESCRIPTION:** North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5th P.M., Brown County, South Dakota (38303 128th St)

**Planning Commission Action:** Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** August 20, 2019 **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

## 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 basement of the Courthouse Annex, east Community Meeting Room on August 20, 2019 at 7:00 pm for the purpose of a Variance Petition for setbacks from right-of-way lines.

Petitioner & owner: East River Electric Power

Description of property: North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38303 128<sup>th</sup> St)

Reason: A new 30' tower for transmitting necessary equipment from substation. Asking to be 80' from north front yard R.O.W. line and 140' from the west R.O.W. line rather than the 200' required for towers.

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

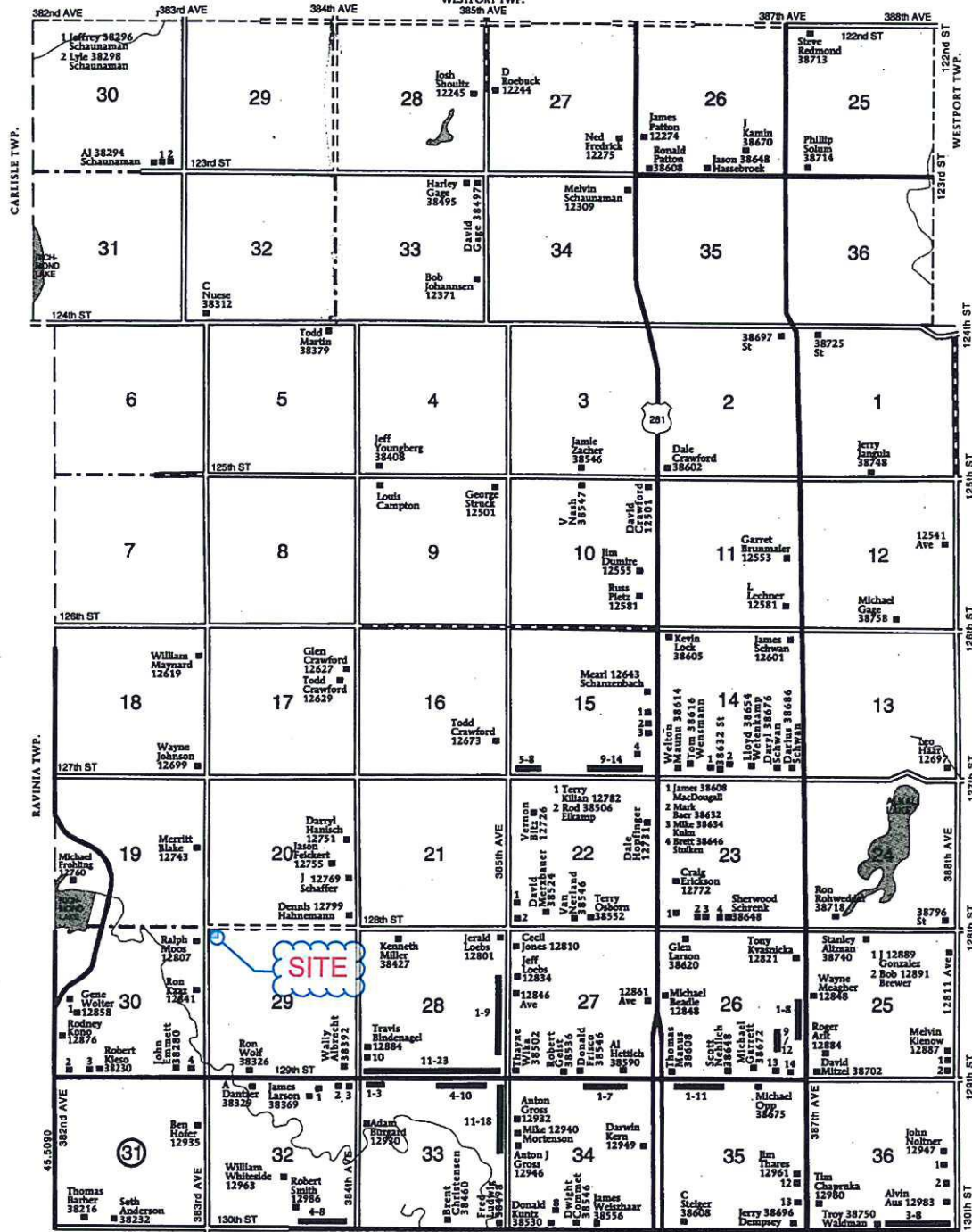
Dated this 9th day of August 2019

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

Published once at the total approximate cost of \_\_\_\_\_.

(Residents - Owners or Tenants)

WESTPORT TWP.



-98.5870

ABERDEEN TWP.

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 Kiesz, Marvin 12685
- 5 Huetti, 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, Jamie 12833
  - 2 Adolf, Gregory 12839
  - 3 Hoeltzner, Curtis 12843
  - 4 Wilkie, Chad 12845
  - 5 Carlson, Cartor 12853

- 6 Vining, Brad 12861
  - 7 Aman, Dwight 12871
  - 8 Kotzea, D 12881
  - 9 Nordstrom, Allen 12891
  - 10 Hauge, Chad 12888
  - 11 Bitz, Marvin 38404
  - 12 Gab, Dale 38406
  - 13 Bitz, Sheldon 38412
  - 14 Hamrrich, 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 Podoll, M 12852
  - 2 Schlagel, Gene 38206

- 3 38228
  - 4 Mandel, Lonnie 38294
- SECTION 32S
- 1 Lehr, Cary 38373
  - 2 Otto, Randall 38393
  - 3 Gosvener, Ken 12901
  - 4 Martinmass, Roger 38364
  - 5 Thorstenon, 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, Bonnell 38463
  - 7 Hagmann, Rick 38489
  - 8 Allibe, M 38479

- 9 Felckert, 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
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- 1 Fordham, Donald 38621

- 2 Luitjens, Mark 38631
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- 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

## CHAPTER 4.35 COMMUNICATION TOWERS AND FACILITIES

### 4.3501 Communication Towers and Facilities Requirements

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

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

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

### **B. General Approval Standards**

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

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

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



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

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

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

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

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

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

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

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

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

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

**4. Fencing and Screening.**

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

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

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

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

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

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

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

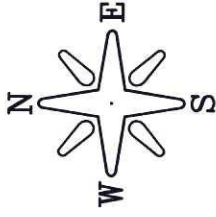
**E. Removal of Abandoned Towers/Facilities.** The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Brown County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these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

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

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

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

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



SEC. 29 - T 124 N - R 64 W  
 BROWN COUNTY, S.D.  
 SCALE: NTS

- LEGEND**
- SECTION LINE
  - - - R.O.W.
  - PROPERTY LINE
  - FENCE LINE
  - ⋯⋯⋯ ⌀18" CULVERT

LATITUDE	LONGITUDE	QUAD MAP
45°3'156"	98°34'37"	RICHMOND

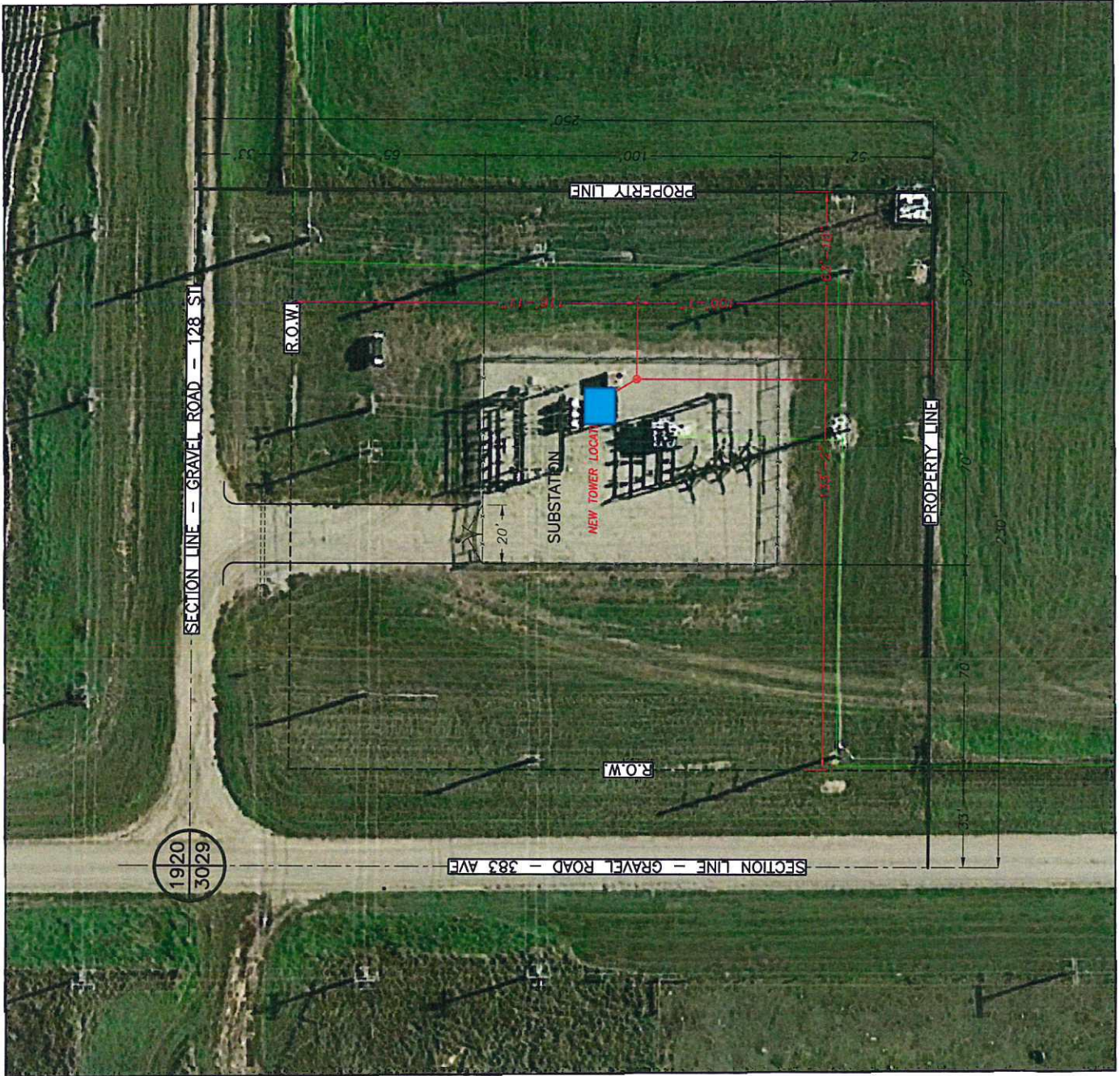
**East River**  
ELECTRIC  
A Technison Energy Cooperative

**NW ABERDEEN  
SUBSTATION  
NEW TOWER LOCATION**

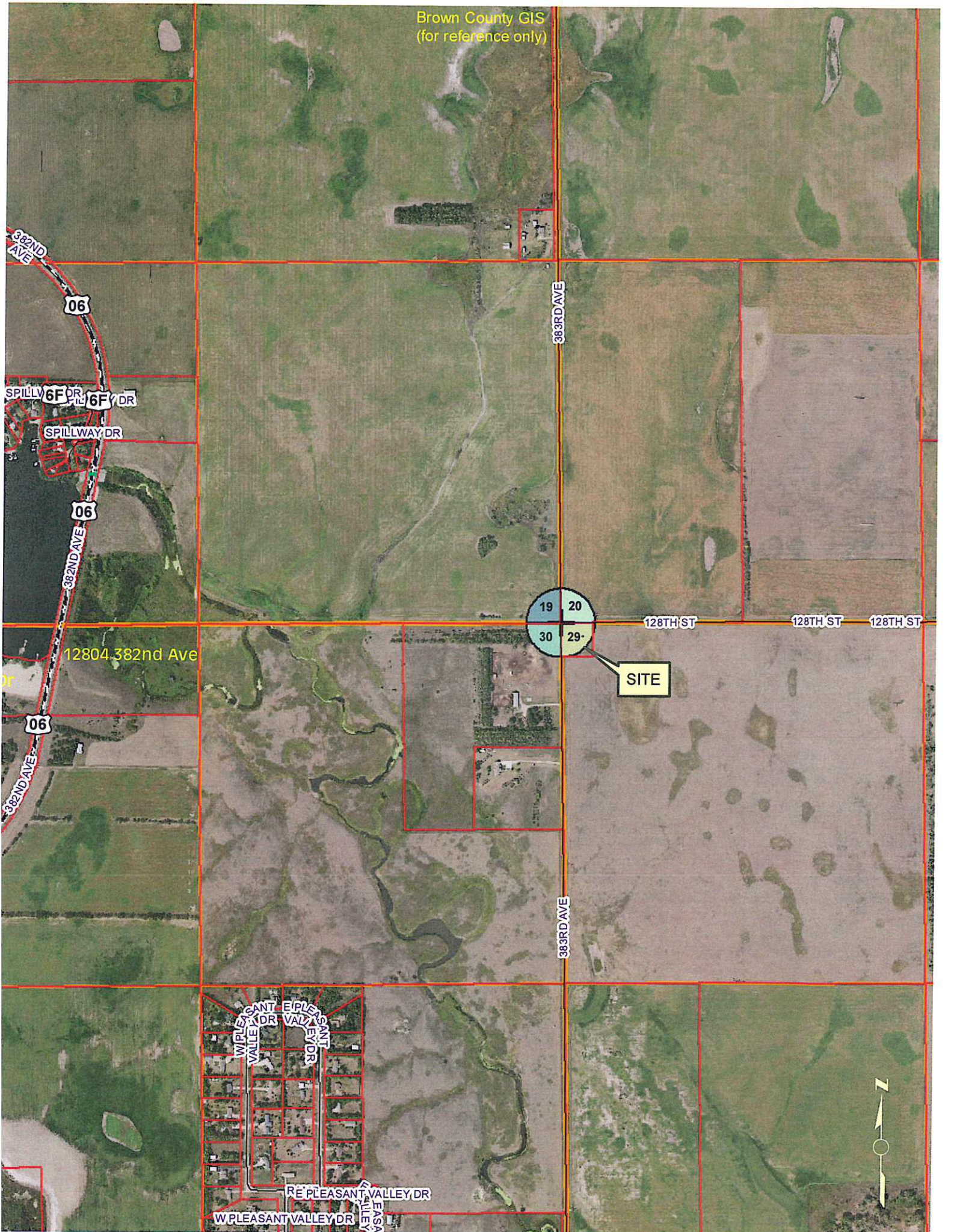
DATE	REVISION	DATE	NO.	SCALE	NTS

DATE	NO.	SCALE	NTS
8-8-19	LVNWA51A		

BY	APP. BY	DATE	SCALE



Brown County GIS  
(for reference only)



382ND AVE

06

SPILLY DR

SPILLWAY DR

06

382ND AVE

12804 382nd Ave

06

382ND AVE

383RD AVE

128TH ST

128TH ST

128TH ST

19 20  
30 29

SITE

383RD AVE

W PLEASANT VALLEY DR

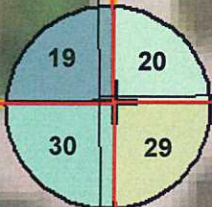
E PLEASANT VALLEY DR

RE PLEASANT VALLEY DR

W PLEASANT VALLEY DR



383RD AVE



128TH ST

383RD AVE

SITE





# STAFF REPORT

August 20, 2019

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Spec Exc/Conditional Use for Tower

ITEM # 3

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## GENERAL INFORMATION

PETITIONER	East River Electric Power
REQUEST	<b>Special Exception/Conditional Use</b> for a small 30' high tower with their own attachments for transmitting sub-station.
LEGAL DESCRIPTION	North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	38303 128 <sup>th</sup> St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture (A-1) City 3-mile zone
West:	Mini Agriculture District (M-AG)
REPORTED BY	Scott Bader

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

REVIEW: This tower will be about 140' from the west right-of-way line, 80' from the north right-of-way line and 700' from a residential house. This will also need a Variance approved before the CU can be approved. The distance from the north to be 80' rather than 200' and west to be 140' rather than 200' required from R.O.W.





# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: August 6, 2019  
RECEIPT # \_\_\_\_\_  
TOWNSHIP: Lincoln Twp


FEES: 200.00  
PAID: YES / NO / CHK / CASH  
DATE: 8/14/19

OWNERS SIGNATURE: East River Electric Power  
OWNERS ADDRESS: P.O. Box 227  
OWNERS CITY, STATE, ZIP: Madison, SD 57042-0227  
OWNERS PHONE: 605-351-8076

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

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

LEGAL DESCRIPTION: North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W  
of the 5th P.M., Brown County, South Dakota (38303 128th St)

SIGNATURE: 

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: August 20, 2019 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

## 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 August 20, 2019 at 7:00 pm for the purpose of a Special Exception/Conditional Use Petition.

Petitioner & owner: East River Electric Power

Description of property: North 250' of the West 230' in the NW1/4 of Section 29-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38303 128<sup>th</sup> St)

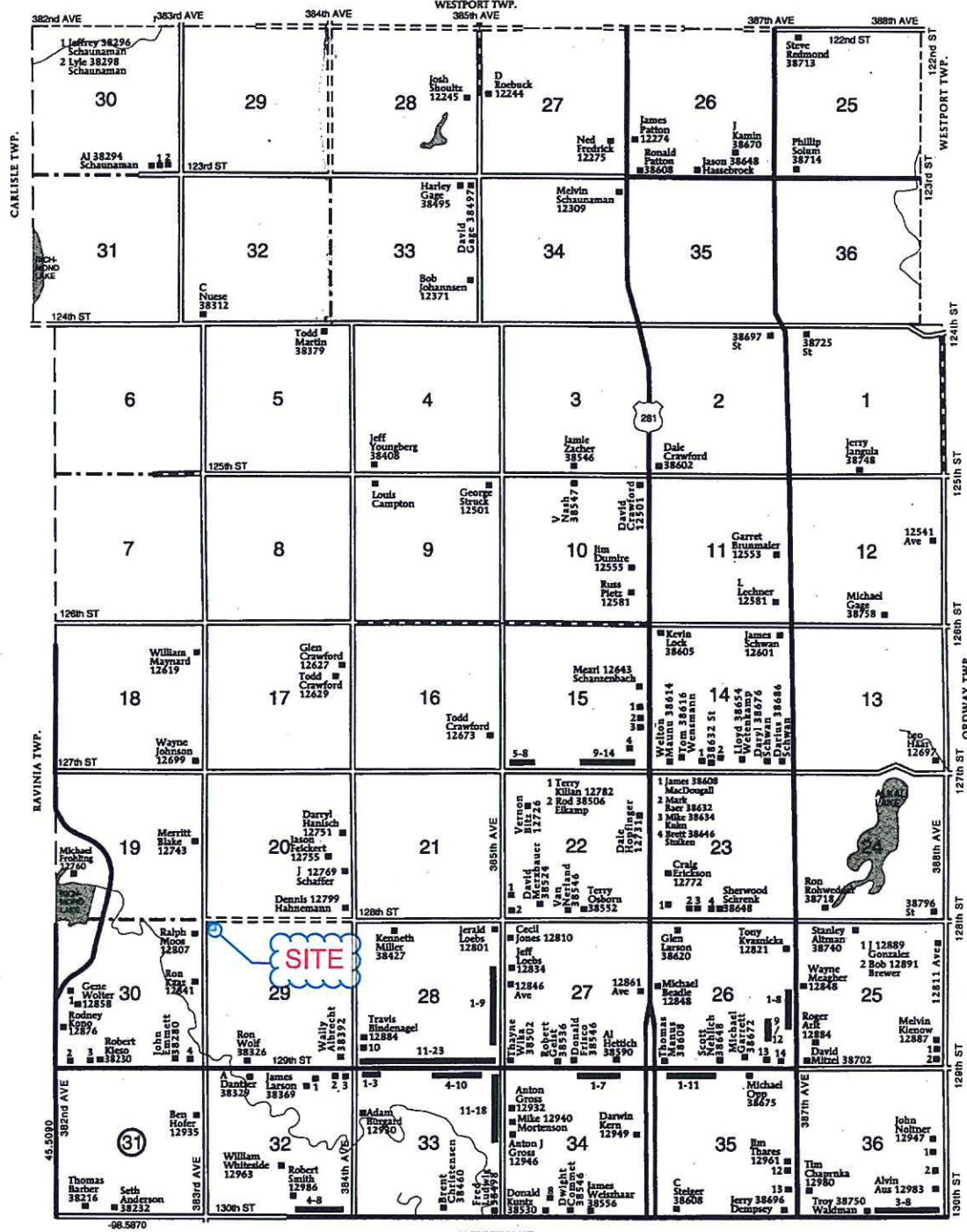
Reason: A new 30' tower for attaching necessary equipment for substation.

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

Dated this 9th day of August 2019

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

Published once at the total approximate cost of \_\_\_\_\_.



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 Kiesz, 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, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Carlson, Cartor 12853

SECTION 30S

- 1 Podoll, M 12852
- 2 Schlager, Gene 38206
- 3 38228
- 4 Mandel, Lonnie 38294

SECTION 32S

- 1 Lehr, Cary 38373
- 2 Otto, Randall 38393
- 3 Gosvener, Ken 12901
- 4 Martimaas, Roger 38364
- 5 Thorstenson, Casey 38370
- 6 Harms, Bruce 38374
- 7 Hartung, Mark 38398
- 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, Bonnell 38463
- 7 Hagmann, Rick 38469
- 8 Allbie, M 38479

SECTION 34S

- 1 Feickert, Dennis 38485
- 2 Foss, Kevin 38489
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- 4 Entzel, Ernest 12907
- 5 Malsom, Bob 12909
- 6 Falken, Jess 12915
- 7 Skott, Randy 12921
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## CHAPTER 4.35      COMMUNICATION TOWERS AND FACILITIES

### 4.3501      Communication Towers and Facilities Requirements

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2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of South Dakota.
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**3. Required Setbacks.** The center foundation of all towers/facilities are required to be setback in accordance with the following:

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

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12. The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
13. Copy of the signed lease agreement with the property owner.
14. Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100%) of the search ring for the proposed site of the wireless communications facility.
15. The applicant shall agree, in writing, to allow for possible co-location of Brown County Public Safety equipment in the top position to the proposed communications facility and grants a perpetual access agreement to such equipment. Brown County Communications Department would be responsible for all public safety equipment installed.



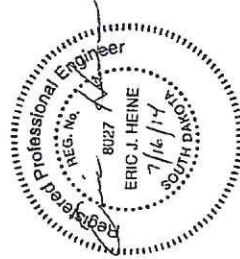


**EHESMANN ENGINEERING, INC.**  
 CONSULTING ENGINEERS  
 4400 WEST 31ST STREET  
 YANKTON, SD 57478  
 (605) 685-7532  
 (605) 665-9780

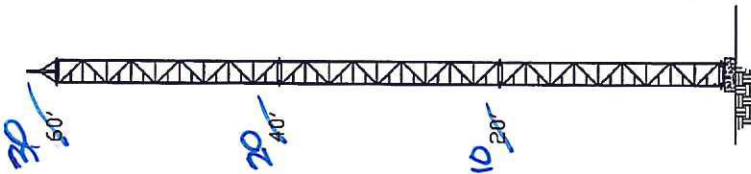
**TOWER DESIGN LOADS:**

- OPTION #1 - PROPOSED TOWER WITH
- PROPOSED ANTENNAS
  - ANALYSIS PER TIA-222-G
  - 90 MPH WIND & NO ICE
  - 60 MPH WIND & 1/2" ICE
  - STRUCTURAL CLASS III
  - EXPOSURE CATEGORY C
  - TOPOGRAPHIC CATEGORY 1

ELEV.	ITEM	FEEDLINE
60'	CL-900A (ENCLOSED YAGI)	1/2"



B.S. - 2'-0"



**NOTES:**

1. TOWER DESIGNED ACCORDING TO TIA-222-G.
  2. ANTENNA LOADS FROM MANUFACTURING SPECIFICATIONS AND ANDREWS BULLETIN 1015F.
  3. ALL WELDING IS COMPLETED IN ACCORDANCE WITH ANSI/AWS D 11 LATEST REVISION AND COMPLETED BY CERTIFIED WELDER.
  4. ALL TOWER MEMBERS SHALL BE HOT-DIP GALVANIZED AFTER FABRICATION. GALVANIZING SHALL CONFORM TO ASTM A123.
  5. ALL BOLTS SHALL BE GALVANIZED ACCORDING TO THE STANDARD SPECIFICATION FOR ZINC COATING OF IRON AND STEEL HARDWARE, ASTM A153.
  6. BOLTING HARDWARE SHALL BE ASTM A325 OR APPROVED EQUAL.
  7. ALL ITEMS MUST BE INVENTORIED AT THE TIME OF DELIVERY TO THE JOB SITE/STORAGE FACILITY. ANY SHORTAGES REPORTED AFTER THIS DELIVERY WILL BE THE RESPONSIBILITY OF THE CONTRACTOR/OWNER.
- ANY PROBLEMS THAT OCCUR WITH SCHEDULING, TRANSPORTATION, DELIVERY, FOUNDATION INSTALLATION, ERECTION OR, ANY ITEMS FURNISHED BY EEI MUST BE REPORTED TAKE IMMEDIATELY TO ALLOW EEI TIME TO TAKE CORRECTIVE MEASURES. EEI WILL MAKE EVERY EFFORT TO REPAIR/REPLACE NECESSARY ITEMS IN AN EXPEDITED MANNER AND/OR WILL PURSUE CORRECTIVE MEASURES IN THE MOST ECONOMICAL WAY POSSIBLE AT OUR DISCRETION. HOWEVER, UNDER NO CIRCUMSTANCES WILL EEI PAY FOR OR BE RESPONSIBLE FOR ANY DOWN TIME OR EXPENSES INCURRED DUE TO DOWN TIME.
8. TOWER LEGS SHALL BE 50 KSI. ALL OTHER STALL SHALL BE ASTM A36 MINIMUM.

VARIOUS SITES - SOUTH DAKOTA  
 SITE: EAST RIVER ELECTRIC POWER COOPERATIVE

60' EEI W2400  
 STUB TOWER

EHESMANN ENGINEERING, INC.  
 CONSULTING ENGINEERS  
 4400 WEST 31ST STREET  
 YANKTON, SD 57478  
 (605) 685-7532  
 (605) 665-9780

DATE: 7/16/14

BY: CD

CHECKED:

SHT C01 OF

JD 662120

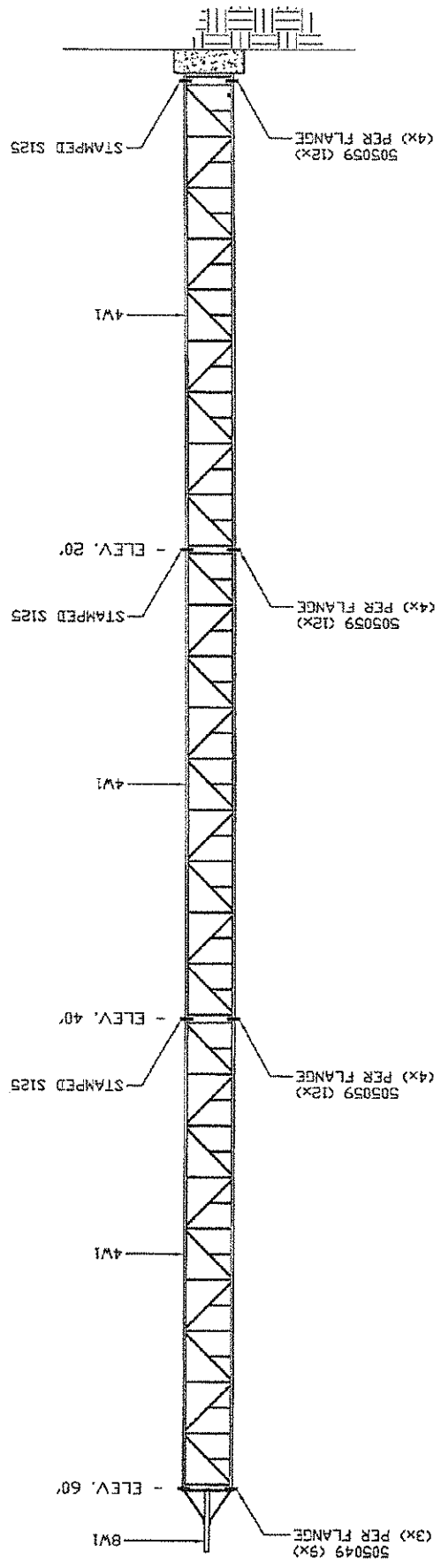
DWG # 622120C01

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MATERIAL LIST

MK#	ITEM	QTY	DESCRIPTION	WT#
4W1	3	24" WELDED SECTION X 20'-0" LG STAMPED 'S125'	1,282	
8W1	1	DISH MOUNT WELDMENT	35	
505049	9	5/8"Ø X 2 1/2" A325 BOLT W/L/W & NUT	3	
505059	36	5/8"Ø X 2 3/4" A325 BOLT W/L/W & NUT	11	

BLACK IRON WT = 1,312#  
 GALVANIZED WT = 1,423#



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VARIOUS SITES - SOUTH DAKOTA  
 SITE: EAST RIVER ELECTRIC POWER COOPERATIVE

60' EEL W/2400 STUB TOWER  
 INSTALLATION DETAILS

EMBRESHAWK ENGINEERING, INC.  
 CONSULTING ENGINEERS  
 4001 WEST 305th STREET  
 TAPACHO, KS 67078  
 (605) 665-7523  
 (605) 665-9786

DATE: 7/16/14

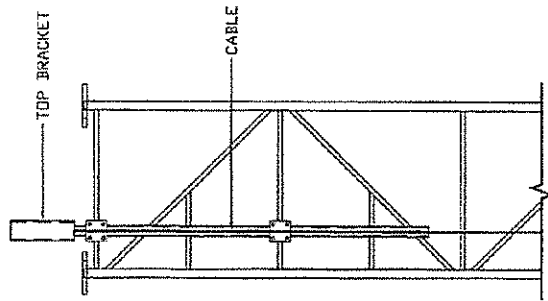
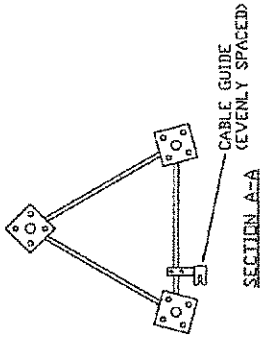
BY: CD

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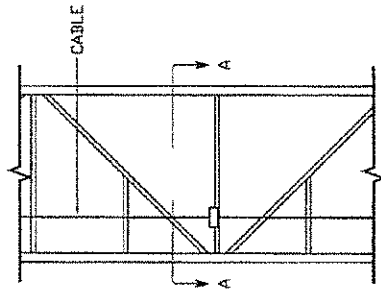
JOB: 622120 DWG: 622120E01 SHEET: 01 OF

MATERIAL LIST

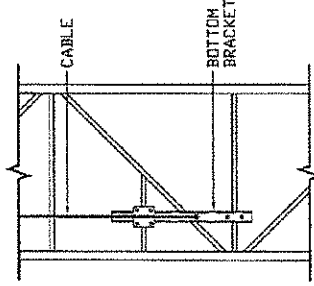
MK#	ITEM	QTY	DESCRIPTION	MT#
	6116280	1	TOP BRACKET - (ANTENUATOR)	
	6100990	1	BOTTOM BRACKET - (TERMINATOR)	
	6100915	2	CABLE GUIDES	
	6110060	60'	3/8" EHS CABLE	



TOP BRACKET  
INSTALLATION



INTERMEDIATE BRACKET  
INSTALLATION



BOTTOM BRACKET  
INSTALLATION

VARIOUS SITES - SOUTH DAKOTA  
SITE: EAST RIVER ELECTRIC POWER COOPERATIVE

SAFETY CLIMB  
INSTALLATION

DATE: 7/16/14  
BY: CD  
CHECKED:

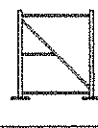
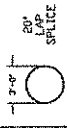
EHRESMANN ENGINEERING, INC.  
CONSULTING ENGINEERS  
4400 WEST 315<sup>TH</sup> STREET  
YANKTON, SD 57207R  
(605) 663-9796  
GMS: RRS-9780

JUL 622120 DWG # 622120E02 REV E02 DW

CONCRETE QTY REQUIRED  
392 CU YDS

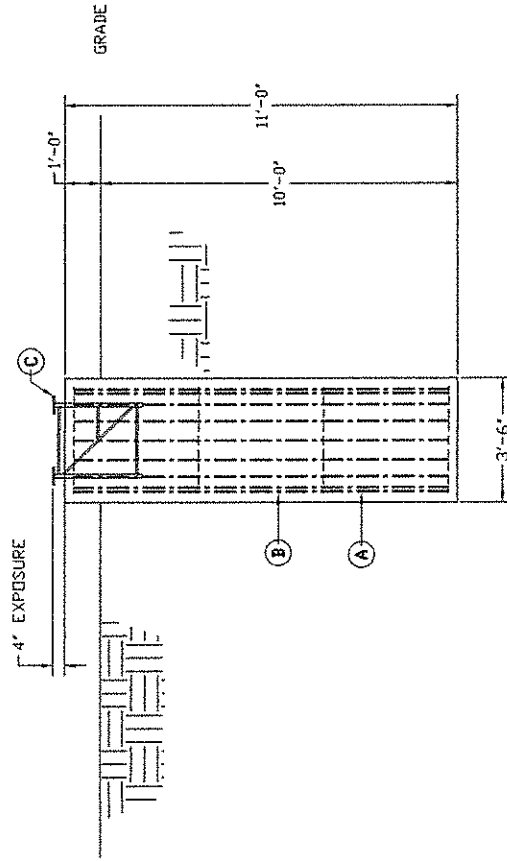
BILL OF MATERIALS

ITEM	QTY	GRADE	DESCRIPTION
A	16	60 KSI	#6 BARS
B	4	40 KSI	#3 BARS
* C	1	36 KSI MIN.	



\* SUPPLIED BY EEJ, ALL OTHER MATERIAL TO BE SUPPLIED BY THE CONTRACTOR.

PLAN VIEW



ELEVATION VIEW

- NOTES:**
1. CONCRETE SHALL ATTAIN ULTIMATE COMPRESSION STRENGTH OF 3000 PSI AT 28 DAYS.
  2. REINFORCEMENT STEEL SHALL CONFORM TO ASTM A615-87 GRADE SPECIFIED.
  3. 3" MINIMUM CONCRETE COVER ON ALL REINFORCING STEEL.
  4. SIDES OF EXCAVATIONS MAY REQUIRE TO BE BRACED OR SLOPED BACK AS REQUIRED FOR STABILITY AND IN ACCORDANCE WITH ALL APPLICABLE SAFETY REGULATIONS.
  5. FOUNDATION DESIGN IS BASED ON NORMAL SOILS.
  6. REINFORCING STEEL MEMBERS ARE TO BE EVENLY SPACED.
  7. STEEL AND CONCRETE QUANTITIES SHOWN ARE TOTAL REQUIRED FOR ONE SPREAD FOOTING FOUNDATION.
  8. EXPOSED EDGES OF FOUNDATION TO BE CHAMFERED 1" X 45°.
  9. ACI STANDARDS APPLY TO BENDING REINFORCING STEEL. MINIMUM BEND RADIUS OF REINFORCING STEEL TO BE 3 X BAR DIAMETER.
  10. ALL FILL TO BE PLACED IN 6" LIFTS AND COMPACTED TO ASTM D-1557 STANDARDS AND HAVE A MINIMUM OF 95% PROCTOR DENSITY.
  11. DESIGN BASED ON A SOIL WITH AN ALLOWABLE NET BEARING PRESSURE OF 4000 PSF.
  12. ATTENTION SHALL BE GIVEN TO FINAL SITE DRAINAGE AND COMPACTION OF FILL PLACED AROUND THE ANCHOR TO MINIMIZE SURFACE WATER INFILTRATION AROUND THE ANCHOR.

SITE: EREP VARIOUS SITES

FOUNDATION DESIGN  
60' EEJ STUB TOWER

ERMESMANN ENGINEERING, INC.  
CONSULTING ENGINEERS  
4400 WEST 31st. STREET  
YANKTON, SD 57078  
(605) 665-7532  
(605) 665-9786

DATE: 02/03/05

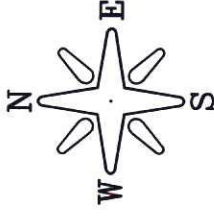
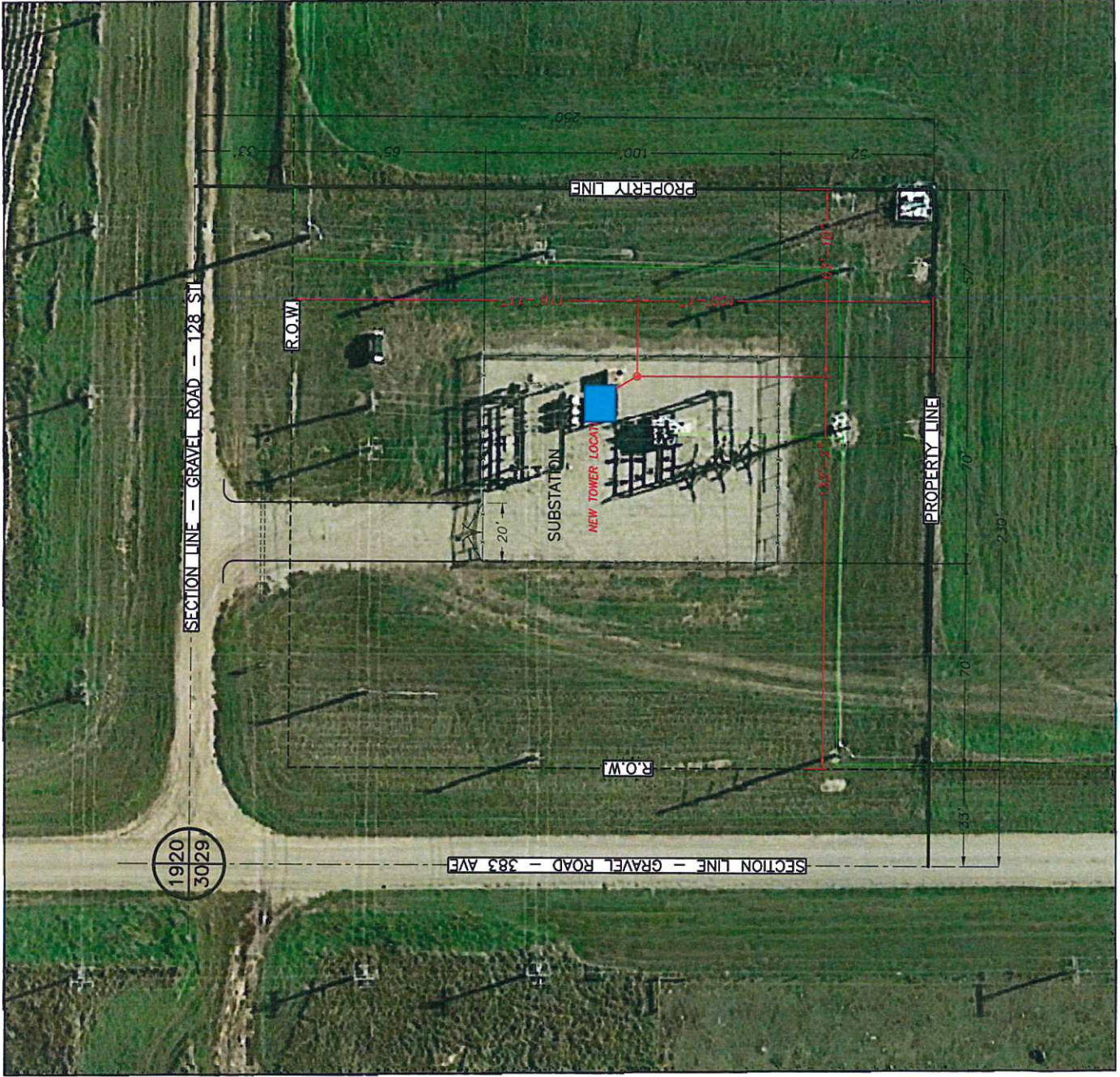
BY: TR

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DWG # 62212E01

SHEET 01 OF



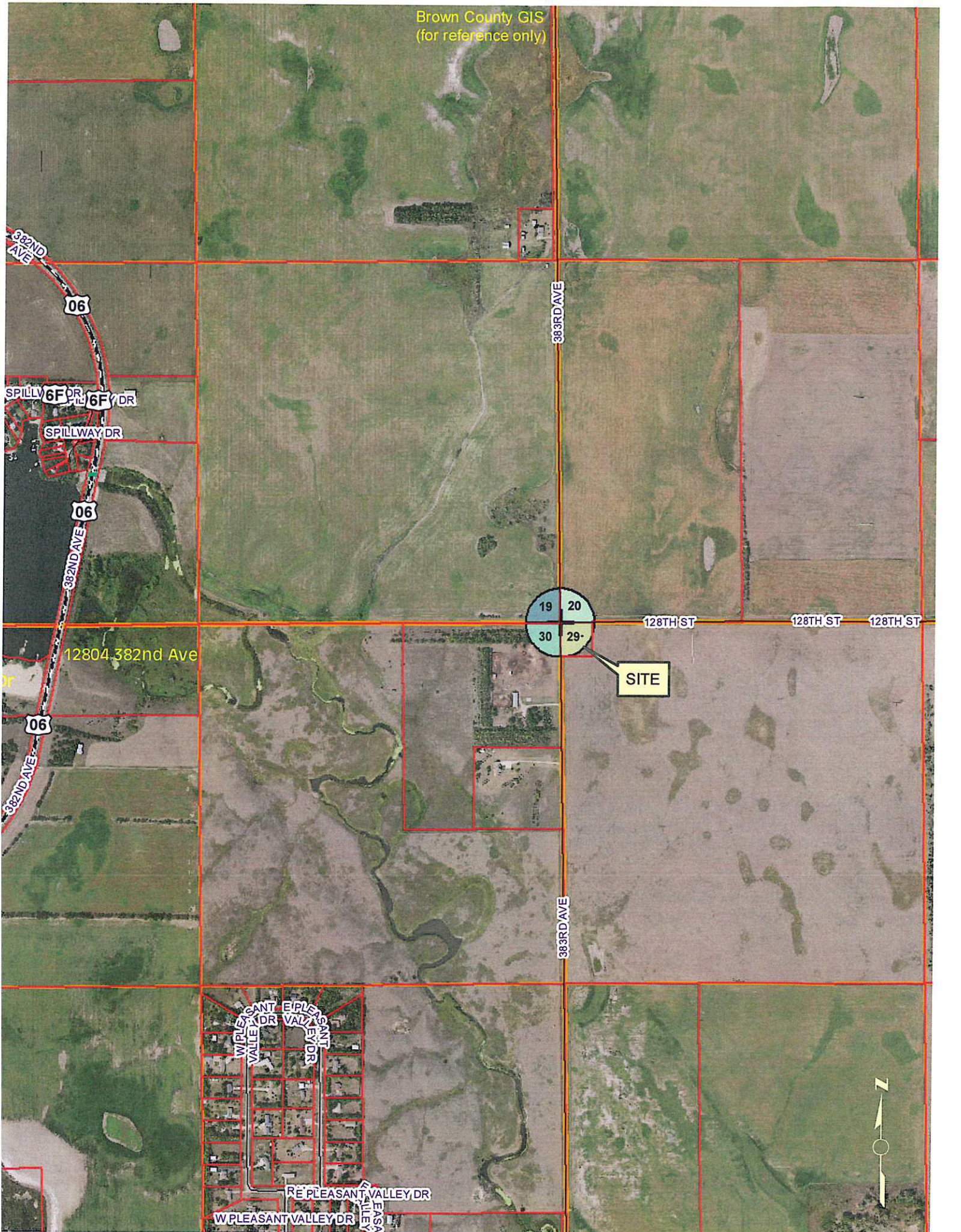
SEC. 29 - T 124 N - R 64 W  
 BROWN COUNTY, S.D.  
 SCALE: NTS

- LEGEND**
- SECTION LINE
  - - - R.O.W.
  - PROPERTY LINE
  - - - FENCE LINE
  - ⋯⋯⋯ ⌀18" CULVERT

LATITUDE	LONGITUDE	QUAD MAP
45°31'56"	98°34'37"	RICHMOND

		<b>NW ABERDEEN SUBSTATION</b> <b>NEW TOWER LOCATION</b>	
DATE	REVISION	DATE	REVISION
DATE: 8-8-19	REV. NO.:	SCALE: NTS	
NO. NO.:	LNWAS1A	SHEET OF	
DRN. BY: P.S.L.	APP. FILE TYPE	PLAT SCALE: 1"=1'	

Brown County GIS  
(for reference only)



382ND AVE

06

SPILLWAY DR

SPILLWAY DR

SPILLWAY DR

06

382ND AVE

12804 382nd Ave

06

382ND AVE

383RD AVE

128TH ST

128TH ST

128TH ST

SITE

383RD AVE

W PLEASANT VALLEY DR

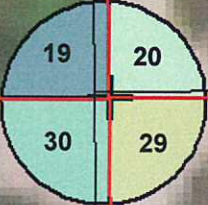
E PLEASANT VALLEY DR

RE PLEASANT VALLEY DR

W PLEASANT VALLEY DR



383RD AVE



128TH ST

383RD AVE



SITE







# STAFF REPORT

August 20, 2019

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**Spec Exc/Conditional Use for Sign & Business**

**ITEM # 4**

---

## GENERAL INFORMATION

PETITIONER: Russ Beadle

REQUEST: Special Exception/Conditional Use for a granite free standing sign and landscape business on a leased portion of property.

LEGAL DESCRIPTION: "Inman Irrigation Addition" in the SW1/4 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota

LOCATION: 533 392<sup>nd</sup> Ave South

EXISTING ZONING: Heavy Industrial District (H-I)

### SURROUNDING ZONING:

North: Agriculture Preservation District (AG-P)

South: Highway Commercial District (HC)

East: Mini Agriculture District (M-AG)

West: Mini Agriculture District (M-AG)

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a proposed free standing granite sign and landscape business on a leased portion of land for his business.

REVIEW: This parcel is zoned Heavy Industrial (H-I) for Inman Irrigation lot and allows principal uses from Light Industrial (L-I). This district would be compatible with a contractor's landscaping business for an office, shop and yard for plants and equipment.

## 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 August 20, 2019 at 7:00 pm for the purpose of a new granite free-standing sign and landscape business.

Petitioner: Russ Beadle; Owner: M&S Enterprises LLC

Legal Description: "Inman Irrigation Addition" in the SW1/4 of Section 14-T123N-R63W OF THE 5<sup>TH</sup> p.m., Brown County, South Dakota

Reason: A new free standing sign and landscape business on leased portion of property

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

Dated this *9<sup>th</sup>* day of August 2019

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

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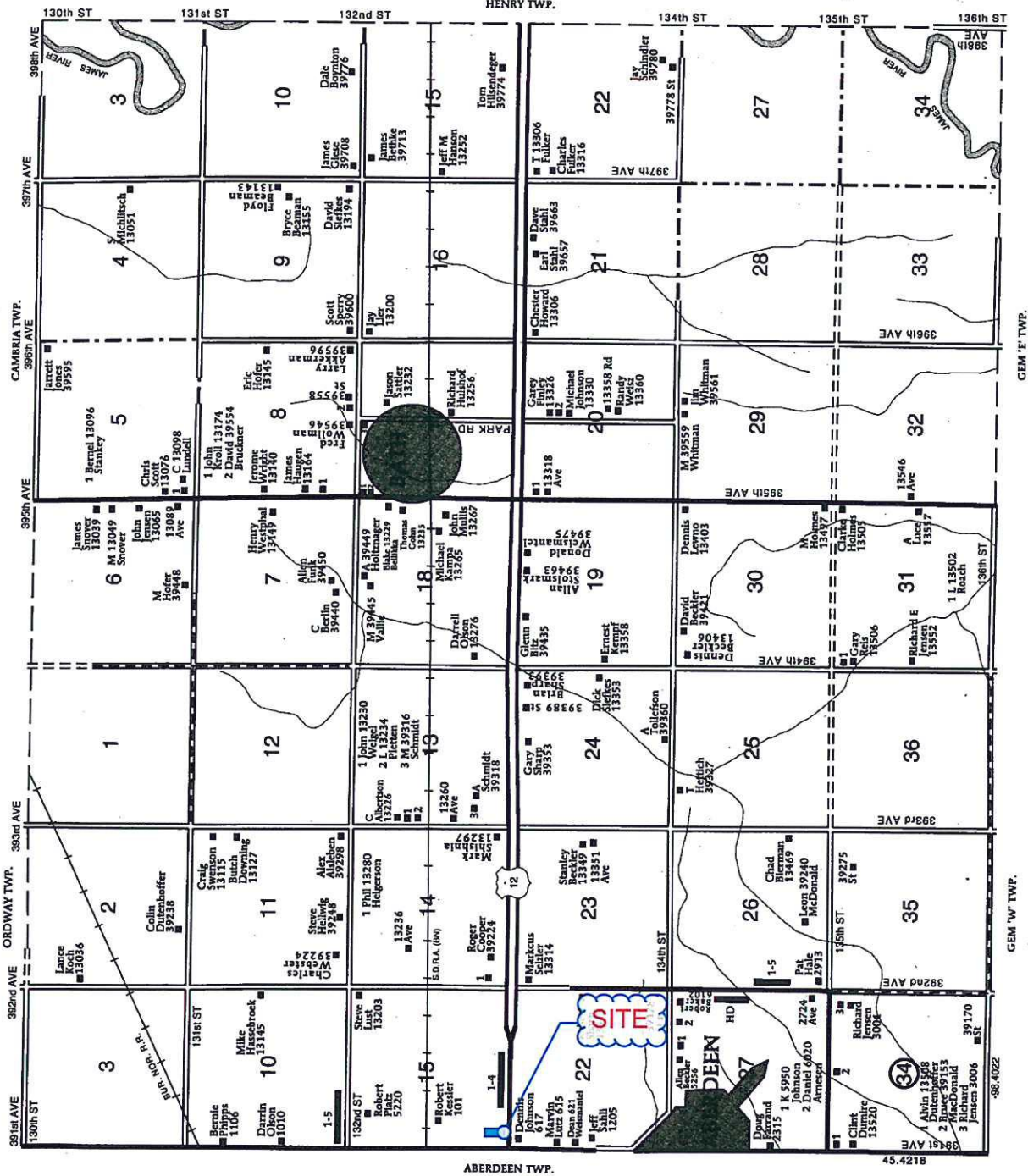
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**800-685-7432-ext. 2605** or  
 email: [amanda.engebretson@farmandhomepublishers.com](mailto:amanda.engebretson@farmandhomepublishers.com)

T-123-N

## BATH DIRECTORY

R-62-63-W

(Residents - Owners or Renters)



- BATH TOWNSHIP**
- SECTION 10W
    - 1 Beckler, Ron 5005
    - 2 Tennant, Cory 5025
    - 3 5091
    - 4 Gross, Del 5115
  - SECTION 15W
    - 1 Gossman, C 5405
    - 2 Ellera, Todd 5455
    - 3 Knudson, R 5485
    - 4 Gossman, S 5755
  - SECTION 17
    - 1 Bluechler, Jerry 13228
  - SECTION 20
    - 1 Brikman, Stanley 13230
  - SECTION 26
    - 1 Westphal, Henry 13316
    - 2 Rorrbach, Kevin 13328
  - SECTION 28
    - 1 Bellikka, Daryl 2111
    - 2 Kothhaas, Paul 2135
    - 3 Grlese, Doug 2215
    - 4 Rud, Robert 2317
    - 5 Mathern, R 2519

## CHAPTER 4.15 LIGHT INDUSTRIAL DISTRICT (L-I)

- 4.1501 Intent. The intent of the Light Industrial District (L-I) is to provide space for certain types of industrial and/or manufacturing and/or warehousing or storage operations which are compatible to adjoining districts. Such uses generally require open storage of materials or goods either before, during, or after the manufacturing process, but are of a low noise or nuisance level. Land designated for this district should be located in relation to the thoroughfare network of the community as well as rail and air if required, and designated so as to not disrupt normal traffic flow. Planned Industrial Parks are encouraged in this district.
- 4.1502 Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the Light Industrial District (L-I):
1. Building materials sales;
  2. Cartage and express facilities;
  3. Contractor's offices, shops and yards - such as building, cement, electrical, heating, ventilation and air conditioning, masonry, painting, plumbing and heating, refrigeration and roofing;
  4. Fuel and bulk sales;
  5. Greenhouses, wholesales;
  6. Highway maintenance shops and yards;
  7. Packing and crating;
  8. Printing and publishing;
  9. Public utility and service uses;
  10. Accessory uses, incidental to and on the same zoning lot as principal uses;
  11. Wholesaling of all commodities, except commercial explosives, automobile and other mechanical equipment salvage;
  12. Offices;
  13. Fruit and vegetable concentration, preservation, and preparation;
  14. Grain elevators, grain and mill products;
  15. Poultry and small game dressing and packing;
  16. Blacksmith shop; body and fender works; bottling works; wholesale establishments; bus terminal;
  17. Cabinet shop; carpenter shop; carpet cleaning; clothes cleaning and dyeing;

18. Auto and truck rentals;
19. Public garage;
20. Machine shops, metal processing and fabrication;
21. Parking lot; public buildings; public transit yard;
22. Sand blasting; service stations; signs, outdoor advertising; sign painting; stone monument works; stone masonry shop;
23. Veterinary;
24. Novelties;
25. Optical goods;
26. Photographic equipment;
27. Rubber and/or metal stamps;
28. Venetian blinds, window shades and awnings;
29. Food and kindred processing, wholesale; confections, honey extractions;
30. Dairy products;
31. Toiletries;
32. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: canvas, cellophane, cloth, and cork;
33. Feathers, felt, fiber, fir;
34. Glass and plastics; and
35. Leather.

4.1503 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in Light Industrial District (L-I):

1. Caretaker and watchmen quarters; and
2. Medical facilities accessories to an industrial use.

4.1504 Special Exceptions. After the provisions of this Title relating to special exceptions have been fulfilled, the Board of Adjustment may permit as special exceptions in Light Industrial Districts any use, which is consistent with the intent of this district.

- 4.1505 Performance Standards. All uses and structures in a Light Industrial District should use the performance standards in Chapter 4.30 as guidelines.
- 4.1506 Minimum Lot Requirements. The minimum lot area shall be twenty-five thousand (25,000) square feet. The minimum lot width shall be one hundred twenty-five (125) feet.
- 4.1507 Minimum Yard Requirements. There shall be a front yard of not less than a depth of one hundred (100) feet. Each side yard and backyard shall not be less than twenty-five (25) feet as measured from the outermost edge of structures.
- 4.1508 Maximum Lot Coverage. The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total lot area.
- 4.1509 Service or Access Roads. Service or access roads may be required at the discretion of the Planning Commission.
- 4.1510 Rezoning of Property.
1. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation (AG-P) by Title 4, Chapter 4.06 of the Revised Brown County Ordinances, as amended, to-wit: **Wright's Outlot 1 in the West 1/2 of Section 8, Township 123N, Range 62W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Light Industrial District (L-I) to be used in accordance with Title 4, Chapter 4.15 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 12/18/1990).
  2. That the portion within the limits of Brown County, heretofore zoned Rural Urban District (RU) and Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Revised Brown County Ordinances, as amended, to-wit: **Lot 1, 4-Seasons Claremont Site Subdivision in the NW ¼ and SW ¼ of Sec 2-T125N-R60W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Light Industrial District (L-I) to be used in accordance with Title 4, Chapter 4.15 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 1/18/2008).
  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 Revised Brown County Ordinances, as amended, to-wit: **Rieck Lot 1, Rieck-WEB Subdivision in the NE ¼ of Sec 3-T121N-R64W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Light Industrial District (L-I) to be used in accordance with Title 4, Chapter 4.15 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 5/20/2008).

**CHAPTER 4.16 HEAVY INDUSTRIAL DISTRICT (H-I)**

4.1601 Intent. This district is established to provide space for land uses, which are generally incompatible to any adjoining land uses, but which are necessary to the economy of the community. Only those uses will be permitted in this district which cannot realistically and economically meet the performance standards specified in L-I. It is not intended that this district be an easy "catchall" for entrepreneurs to utilize rather than meeting community obligations for being compatible neighbors in the community. In establishing the location of this district (and if possible, only one such contiguous area of the community shall be created), prevailing wind, existing and anticipated adjoining developments, and public interest of the community should be taken into consideration. Every effort shall be made by permitted uses to minimize the causes for incompatibility and every use shall also meet performance standards indicated herein. Location of this district should be the thoroughfare system of the community and be so designed as to not wholly disrupt normal traffic flow.

4.1602 Permitted Principal Uses and Structures. In the Heavy Industrial District (H-I), there shall be no permitted principal uses and structures.

4.1603 Permitted Accessory Uses and Structures. There shall be no accessory uses and structures permitted in a Heavy Industrial District (H-I).

4.1604 Special Exceptions. After the provisions of this Title have been fulfilled, the Board of Adjustment may permit as special exceptions in the Heavy Industrial District, the manufacturing, assembling, compounding, packaging, processing, or treatment of products or raw materials conducted within a structure or enclosed within a metal container, except those industries which are injurious, noxious, or hazardous by reasons of emission of odors, dust, fumes, smoke, noise, or vibrations, including but not limited to the following:

1. Those uses found in L-I;

2. Foundry casting;

3. Acid manufacturing;

4. Salvage yards;

5. Junkyards;

6. Boiler works, blast furnace;

7. Brick manufacturing;

8. Cement manufacturing;

9. Chemical manufacturing;

10. Fertilizer manufacturing;

11. Glue manufacturing;

12. Meat packing plants or slaughterhouses;
13. Paint manufacturing and related operations;
14. Railroad repair shop and similar railroad operations;
15. Soap manufacturing;
16. Stockyards, livestock sale barns;
17. Tannery;
18. Tar or asphalt plants;
19. Bulk fuel plants;
20. Motor power tools and trailers;
21. Assembly of appliances;
22. Laboratories;
23. Paper, plastics, precious or semi-precious metals or stones;
24. Battery manufacturing;
25. Caretaker and watchmen quarters;
26. Medical facilities and accessories to an industrial use;
27. Mineral extraction or milling, providing the following minimal conditions are met;
  1. The applicant shall provide;
    - a. A description of the mineral or minerals to be mined or milled;
    - b. Maps showing the area within which the mining or milling operations shall be conducted;
    - c. A description of the surface, land use, and vegetation, as well as a description of nature and depth of the topsoil and subsoil;
    - d. An environmental assessment which establishes baseline conditions for radioactive and toxic materials in air, ground and surface waters, soils, vegetation, and animals;
    - e. A description of the overburden, mineral seams, and other geologic formations; their conductivity and hydraulic gradients known to exist above the deepest projected depth of mining operation; and



f. A description of the hydrology to the deepest projected depth of the mining operation, including mapping of the depth, water table level, extent, and flow characteristics of ground water and aquifers for the hydrologic regime of the ground water and drainage basins affected by the mining or milling operation.

2. The applicant shall provide;

A technical description of the mining or milling; types of equipment to be used; detailed site plan of all anticipated construction; an estimated timetable for each phase of work and for final completion of the program; a statement of source, quality, and quantity of water to be used in the mining and milling operations, as well as the chemical and radioactive characteristics of all mined or milled products, waste products, and emissions to the environment.

3. The applicant shall provide:

a. A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the mining or milling operation; and

b. A description of the proposed plan to address the identified environmental impacts to include:

(1) Methods of separating the topsoil, subsoil, and spoil piles, protecting them from erosion before reclamation begins, and keeping the topsoil free from acid or toxic materials;

(2) Plan for ensuring that acid-forming or toxic materials constituting a hazard uncovered or created during mining or milling are promptly treated in a manner to prevent water and air contamination;

(3) Measures to maintain the quantity and quality of ground and surface water, hydrologic balance, productivity of farmland, and soil and water recharge capacity; and

(4) Procedures to prevent water and air contamination through radioactive or toxic seepage of runoff from tailings ponds, mine wastes, mine dewatering discharge, or other mining and milling related operations.

4. The applicant shall provide a plan for the reclamation of the land after mining 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 mined and adjacent land and shall include:

a. A reclamation schedule;

b. Methods of grading, backfilling, and contouring of disturbed areas and access roads;

c. Methods of waste management and disposal, including liquid and solid waste; and

d. Methods of revegetation.

The applicant shall identify specific phases when monitoring; and inspection of the mining and milling process 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 the 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.

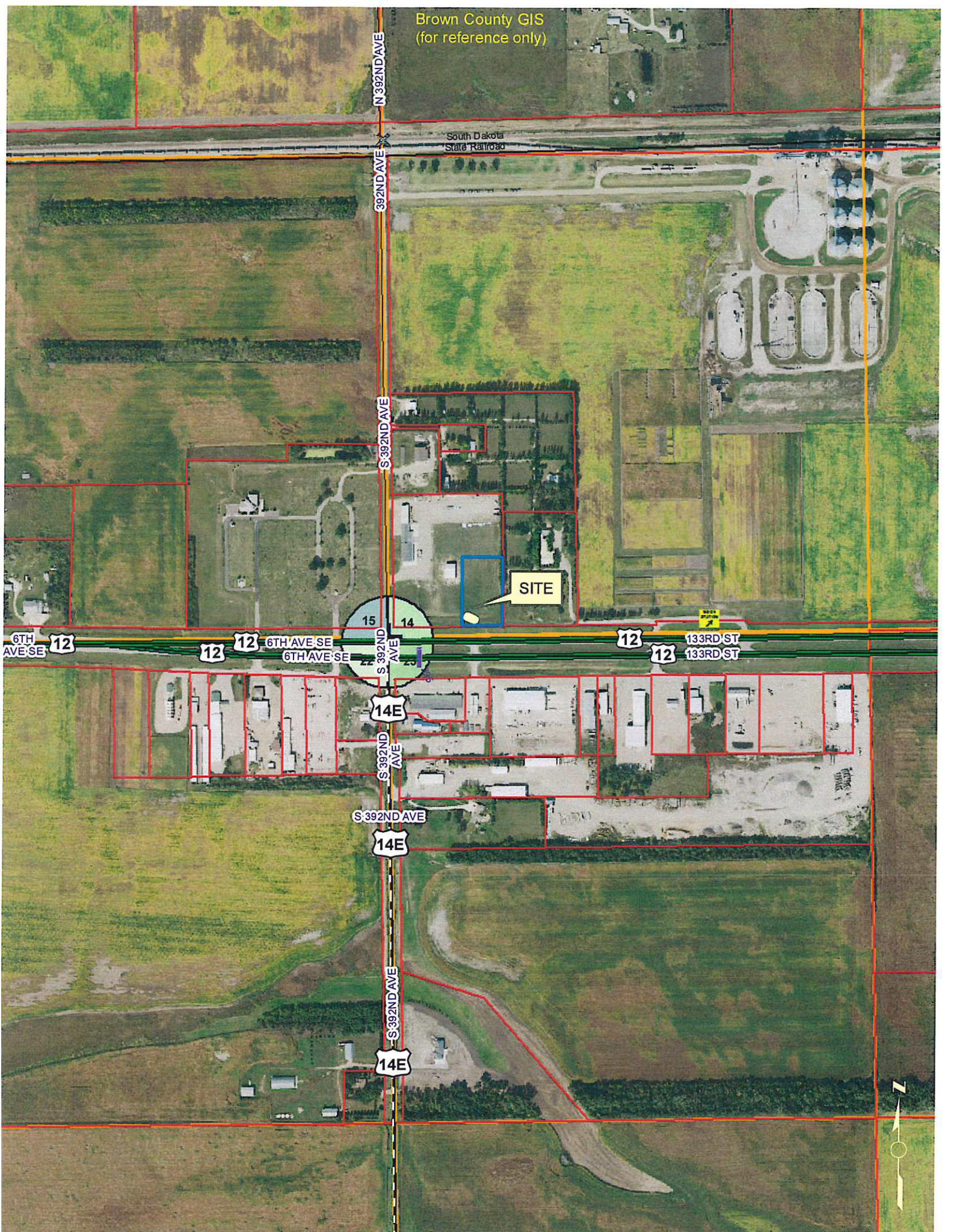
A conditional use permit shall be issued only after all conditions specified herein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of the mining and milling.

- 4.1605 Performance Standards. All uses and structures in Heavy Industrial Districts should use the performance standards in Chapter 4.31 as guidelines.
- 4.1606 Minimum Lot Requirements. The minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet. The minimum lot width shall be one hundred fifty (150) feet.
- 4.1607 Minimum Yard Requirements. There shall be a front yard of not less than a depth of one hundred (100) feet. Each side yard and rear yard shall be no less than twenty five (25) feet as measured from the outermost edge of the structure.
- 4.1608 Maximum Height. The height of all buildings and structures shall not exceed sixty (60) feet.
- 4.1609 Service or Access Roads. Service or access roads may be required at the discretion of the Planning Commission.
- 4.1610 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, Second Revision Brown County Ordinances, as amended, to-wit: **That portion of the NW ¼ 23-T123N-R61W lying north of railroad tracks, Brown County, South Dakota and approximately 3.17 acres in the SW corner of the NE ¼ Sec 23-T123N-R61W, lying north of the railroad tracks, Brown County, South Dakota. (Property to be platted as James Valley Ethanol Outlot 1 in the N ½ of Sec 23-T123N-R61W, Brown County, South Dakota)**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 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 file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/26/2002).
  2. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **The West 654' of the North 517' of the NE ¼ of Sec 20-**

Brown County GIS  
(for reference only)

South Dakota  
State Railroad

SITE



6TH AVE SE

12

12

12

6TH AVE SE  
6TH AVE SE

15

14

S 392ND AVE

S 392ND AVE

S 392ND AVE

12

12

133RD ST  
133RD ST

12

12

14E

S 392ND AVE  
14E

S 392ND AVE  
14E



Brown County GIS  
(for reference only)

S 392ND AVE

SITE

15 14  
22 23

6TH AVE SE 12

133RD DIST 12

6TH AVE SE 12

S 392ND AVE

133RD ST 12

S 392ND AVE

14E





# STAFF REPORT

August 20, 2019

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**Spec Exc/Conditional Use for Sign & Business**

**ITEM # 5**

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## GENERAL INFORMATION

**PETITIONER:** Todd Rosebrock

**REQUEST:** Special Exception/Conditional Use for open storage and a sign.

**LEGAL DESCRIPTION:** Lot 4, "Sunrise Estates" in the NW1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

**LOCATION:** 2020 Br Co Hwy #19

**EXISTING ZONING:** Heavy Industrial District (H-I)

**SURROUNDING ZONING:**

North:	Heavy Industrial District (H-I)
South:	Heavy Industrial District (H-I)
East:	Heavy Industrial District (H-I)
West:	Heavy Industrial District (H-I)

**REPORTED BY:** Scott Bader

**GENERAL COMMENT:** The petitioner is requesting this Conditional Use for open storage business and a sign.

**REVIEW:** This parcel is zoned Heavy Industrial (H-I) because of the tracks and the industrial park. The petitioner plans on open storage for campers, boats, atv's, trailers and storage pods. He plans on fencing in 2 sides (west & south) to deter vandalism and also plans on security cameras. He would like to put a sign on the fence with name and phone number. The location appears to be a good choice with the garbage company to the south and "man-caves" to the north.



## 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 August 20, 2019 at 7:00 pm.

Petitioner & owner: Todd Rosebrock

Description of property: Lot 4, "Sunrise Estates" in the NW1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2020 Br Co Hwy #19)

Reason: For the purpose of having an Open Storage lot for campers, boats, ATV's, trailers and storage pods and a sign on site with a name and phone number.

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

*Dated this 10th day of August 2019*

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

Published once at the total approximate cost of \_\_\_\_\_.



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: August 2, 2019  
RECEIPT # 132180  
TOWNSHIP: Aberdeen Twp

FEES: 200.00  
PAID: YES/NO CHK/CASH  
DATE: 8-8-19

OWNERS SIGNATURE: Todd Rosebrock  
OWNERS ADDRESS: 1803 N Jay St  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 228-0507

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** For the purpose of having an Open Storage lot for campers, boats, ATV's, trailers and storage pods and a sign on site with a name and phone number.

**LEGAL DESCRIPTION:** Lot 4, "Sunrise Estates" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (2020 Br Co Hwy #19)

**SIGNATURE:** Todd Rosebrock

**Planning Commission Action:** Approved / Denied

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HEARING DATE:** August 20, 2019 **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

**CHAPTER 4.16 HEAVY INDUSTRIAL DISTRICT (H-I)**

4.1601 Intent. This district is established to provide space for land uses, which are generally incompatible to any adjoining land uses, but which are necessary to the economy of the community. Only those uses will be permitted in this district which cannot realistically and economically meet the performance standards specified in L-I. It is not intended that this district be an easy "catchall" for entrepreneurs to utilize rather than meeting community obligations for being compatible neighbors in the community. In establishing the location of this district (and if possible, only one such contiguous area of the community shall be created), prevailing wind, existing and anticipated adjoining developments, and public interest of the community should be taken into consideration. Every effort shall be made by permitted uses to minimize the causes for incompatibility and every use shall also meet performance standards indicated herein. Location of this district should be the thoroughfare system of the community and be so designed as to not wholly disrupt normal traffic flow.

4.1602 Permitted Principal Uses and Structures. In the Heavy Industrial District (H-I), there shall be no permitted principal uses and structures.

4.1603 Permitted Accessory Uses and Structures. There shall be no accessory uses and structures permitted in a Heavy Industrial District (H-I).

4.1604 Special Exceptions. After the provisions of this Title have been fulfilled, the Board of Adjustment may permit as special exceptions in the Heavy Industrial District, the manufacturing, assembling, compounding, packaging, processing, or treatment of products or raw materials conducted within a structure or enclosed within a metal container, except those industries which are injurious, noxious, or hazardous by reasons of emission of odors, dust, fumes, smoke, noise, or vibrations, including but not limited to the following:

1. Those uses found in L-I;

2. Foundry casting;

3. Acid manufacturing;

4. Salvage yards;

5. Junkyards;

6. Boiler works, blast furnace;

7. Brick manufacturing;

8. Cement manufacturing;

9. Chemical manufacturing;

10. Fertilizer manufacturing;

11. Glue manufacturing;

12. Meat packing plants or slaughterhouses;
13. Paint manufacturing and related operations;
14. Railroad repair shop and similar railroad operations;
15. Soap manufacturing;
16. Stockyards, livestock sale barns;
17. Tannery;
18. Tar or asphalt plants;
19. Bulk fuel plants;
20. Motor power tools and trailers;
21. Assembly of appliances;
22. Laboratories;
23. Paper, plastics, precious or semi-precious metals or stones;
24. Battery manufacturing;
25. Caretaker and watchmen quarters;
26. Medical facilities and accessories to an industrial use;
27. Mineral extraction or milling, providing the following minimal conditions are met;
  1. The applicant shall provide;
    - a. A description of the mineral or minerals to be mined or milled;
    - b. Maps showing the area within which the mining or milling operations shall be conducted;
    - c. A description of the surface, land use, and vegetation, as well as a description of nature and depth of the topsoil and subsoil;
    - d. An environmental assessment which establishes baseline conditions for radioactive and toxic materials in air, ground and surface waters, soils, vegetation, and animals;
    - e. A description of the overburden, mineral seams, and other geologic formations; their conductivity and hydraulic gradients known to exist above the deepest projected depth of mining operation; and

f. A description of the hydrology to the deepest projected depth of the mining operation, including mapping of the depth, water table level, extent, and flow characteristics of ground water and aquifers for the hydrologic regime of the ground water and drainage basins affected by the mining or milling operation.

2. The applicant shall provide;

A technical description of the mining or milling; types of equipment to be used; detailed site plan of all anticipated construction; an estimated timetable for each phase of work and for final completion of the program; a statement of source, quality, and quantity of water to be used in the mining and milling operations, as well as the chemical and radioactive characteristics of all mined or milled products, waste products, and emissions to the environment.

3. The applicant shall provide:

a. A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the mining or milling operation; and

b. A description of the proposed plan to address the identified environmental impacts to include:

(1) Methods of separating the topsoil, subsoil, and spoil piles, protecting them from erosion before reclamation begins, and keeping the topsoil free from acid or toxic materials;

(2) Plan for ensuring that acid-forming or toxic materials constituting a hazard uncovered or created during mining or milling are promptly treated in a manner to prevent water and air contamination;

(3) Measures to maintain the quantity and quality of ground and surface water, hydrologic balance, productivity of farmland, and soil and water recharge capacity; and

(4) Procedures to prevent water and air contamination through radioactive or toxic seepage of runoff from tailings ponds, mine wastes, mine dewatering discharge, or other mining and milling related operations.

4. The applicant shall provide a plan for the reclamation of the land after mining 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 mined and adjacent land and shall include:

a. A reclamation schedule;

b. Methods of grading, backfilling, and contouring of disturbed areas and access roads;

c. Methods of waste management and disposal, including liquid and solid waste; and

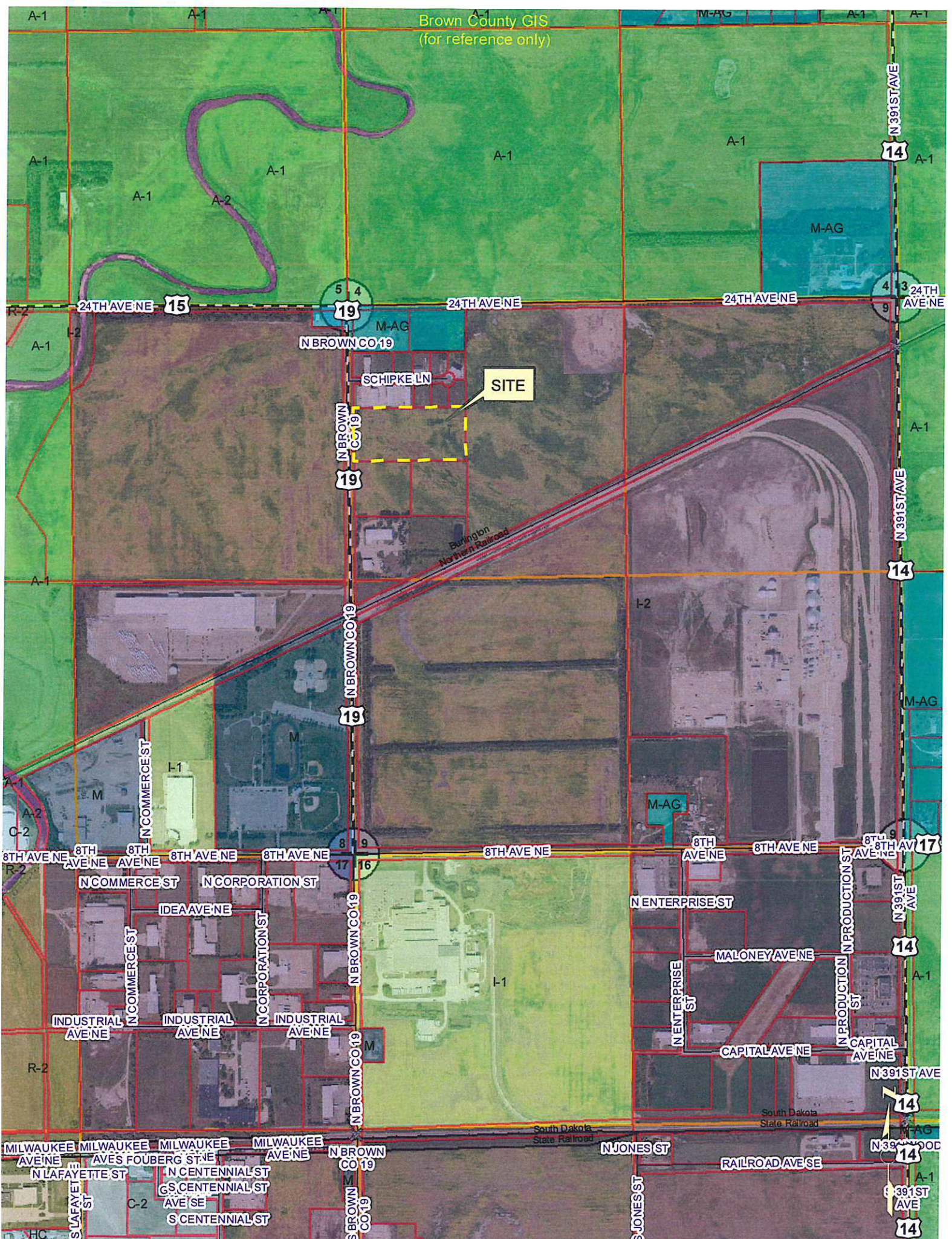
d. Methods of revegetation.

The applicant shall identify specific phases when monitoring; and inspection of the mining and milling process 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 the 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.

A 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 the mining and milling.

- 4.1605 Performance Standards. All uses and structures in Heavy Industrial Districts should use the performance standards in Chapter 4.31 as guidelines.
- 4.1606 Minimum Lot Requirements. The minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet. The minimum lot width shall be one hundred fifty (150) feet.
- 4.1607 Minimum Yard Requirements. There shall be a front yard of not less than a depth of one hundred (100) feet. Each side yard and rear yard shall be no less than twenty five (25) feet as measured from the outermost edge of the structure.
- 4.1608 Maximum Height. The height of all buildings and structures shall not exceed sixty (60) feet.
- 4.1609 Service or Access Roads. Service or access roads may be required at the discretion of the Planning Commission.
- 4.1610 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, Second Revision Brown County Ordinances, as amended, to-wit: **That portion of the NW ¼ 23-T123N-R61W lying north of railroad tracks, Brown County, South Dakota and approximately 3.17 acres in the SW corner of the NE ¼ Sec 23-T123N-R61W, lying north of the railroad tracks, Brown County, South Dakota. (Property to be platted as James Valley Ethanol Outlot 1 in the N ½ of Sec 23-T123N-R61W, Brown County, South Dakota)**, be and the same is hereby changed to Heavy Industrial District (H-I) to be used in accordance with Title 4, Chapter 4.16 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 file in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/26/2002).
  2. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06, Second Revision Brown County Ordinances, as amended, to-wit: **The West 654' of the North 517' of the NE ¼ of Sec 20-**

Brown County GIS  
(for reference only)



Brown County GIS  
(for reference only)



24TH AVENUE

24TH AVENUE



N BROWN CO 19

SCHIPKE LN

SITE



N BROWN CO 19



N BROWN CO 19

Burlington  
Northern Railroad







**STAFF REPORT**  
**August 20, 2019**

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**Variance for Lot Size in AG-P District**

**ITEM # 6**

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**GENERAL INFORMATION:**

PETITIONER: Doris Conn

REQUEST: Variance to Lot Size in an AG-P District.

LEGAL DESCRIPTION: Lot 1, "Cully Conn Subdivision" in the NW1/4 of Section 05-T124N-R65W of the 5th P.M., Brown County, South Dakota

LOCATION: 37545 124<sup>th</sup> St

TOWNSHIP: Ravinia 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 variance for platting a new 17.87 acre parcel for a family member.

**GENERAL REVIEW:** If approved, the staff recommends: Parcel has existing approach access. Parcel meets "Farm Unit" requirements to stay zoned AG-P if Variance is approved. Doris's son Cully Conn is purchasing the parcel.

# Your Ad Could Be Here

in the Next Plat and Directory Publication.

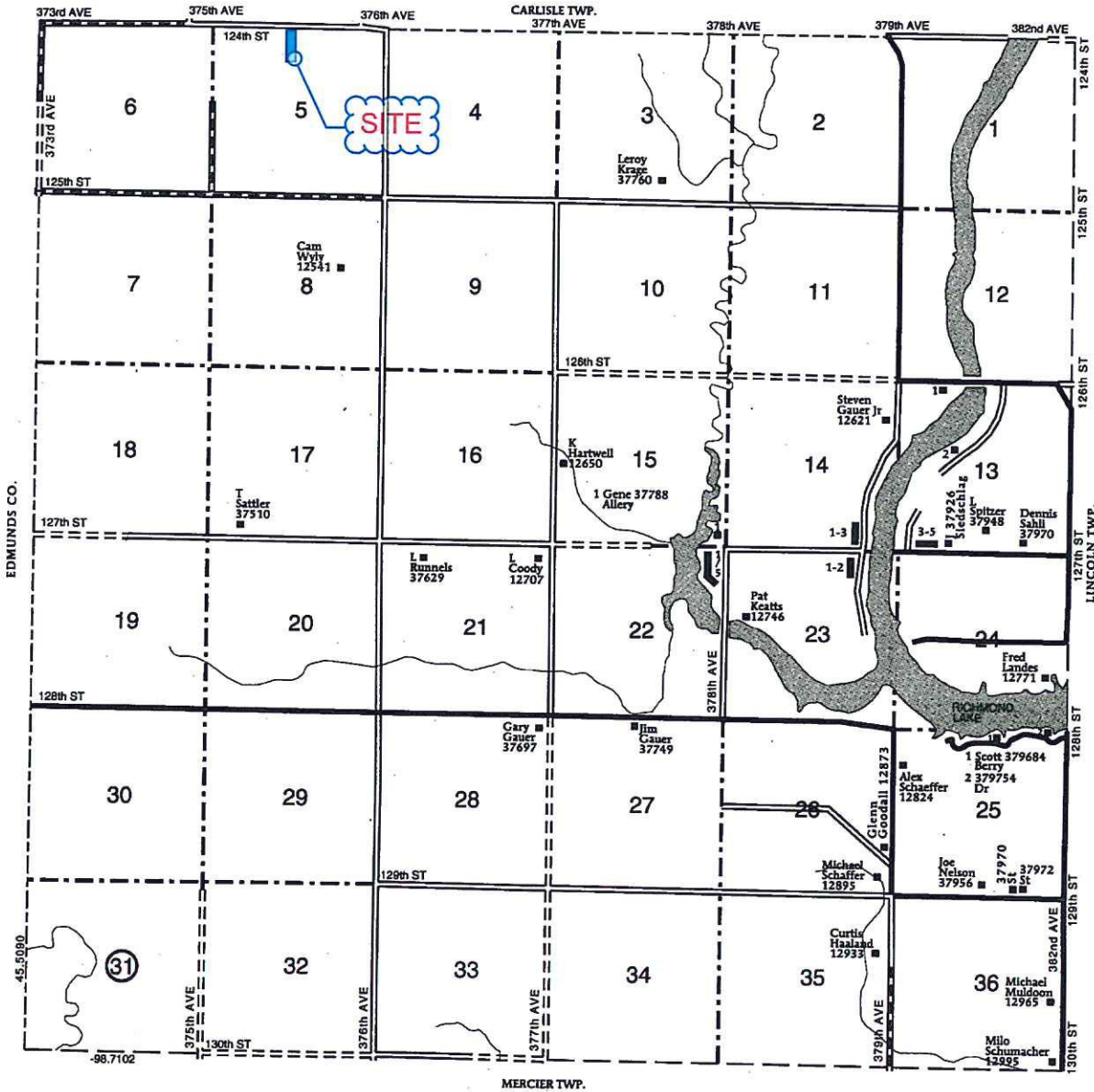
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E-Mail [Info@farmandhomepublishers.com](mailto:Info@farmandhomepublishers.com)  
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T-124-N

RAVINIA DIRECTORY

R-65-W



**RAVINIA TOWNSHIP**

**SECTION 13**

- 1 Kirchgessler, Jim 37935
- 2 Bahr, Justin 128401
- 3 Schmitz, B 37902
- 4 Vitense, David 37908
- 5 Biegler, Jerry 37910

**SECTION 14**

- 1 Mishaw, Mark 128928
- 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 *August 20, 2019 at 7:00 P.M.* for a Variance to minimum Lot size required in an Agriculture Preservation District (AG-P).

Petitioner & owner: *Doris Conn*

Description of property: Lot 1, "Cully Conn Subdivision" in the NW1/4 of Section 5-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37545 124<sup>th</sup> Ave.)

Reason: *Variance to minimum lot size in an Agriculture Preservation District (AG-P)* to have Lot 1 (17.87 acres) be smaller than 40 acres and stay zoned as AG-P District. This lot meets the "family farm" requirements for agriculture.

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

*Dated this 9th day of August 2019*

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

Published once at the total approximate cost of \_\_\_\_\_.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: August 2, 2019  
RECEIPT # 132183  
TOWNSHIP: Ravinia Twp

FEES: 100.00  
PAID: YES/NO CHK/CASH  
DATE: 8-12-19

OWNERS SIGNATURE: Doris Conn  
OWNERS ADDRESS: 1611 20th Ave SE  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-290-0167

AGENTS SIGNATURE: Cully Conn x Cully Conn  
AGENTS ADDRESS: 19 N 1st St PO Box 92  
AGENTS CITY, STATE, ZIP: WESTPORT, SD 57481  
AGENTS PHONE: 605-290-2212

**REQUEST:** Variance to Lot Size in an AG-P District to allow this lot to be smaller than 40 acres (17.87 acres) and stay zoned as AG-P using Chapter 4.0605 "Farm Unit".

**LEGAL DESCRIPTION:** Lot 1, "Cully Conn Subdivision" in the NW1/4 of Section 5-T124N-R65W of the 5th P.M., Brown County, South Dakota

**Planning Commission Action:** Approved / Denied

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HEARING DATE:** August 20, 2019 **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

PLAT OF

A-7335

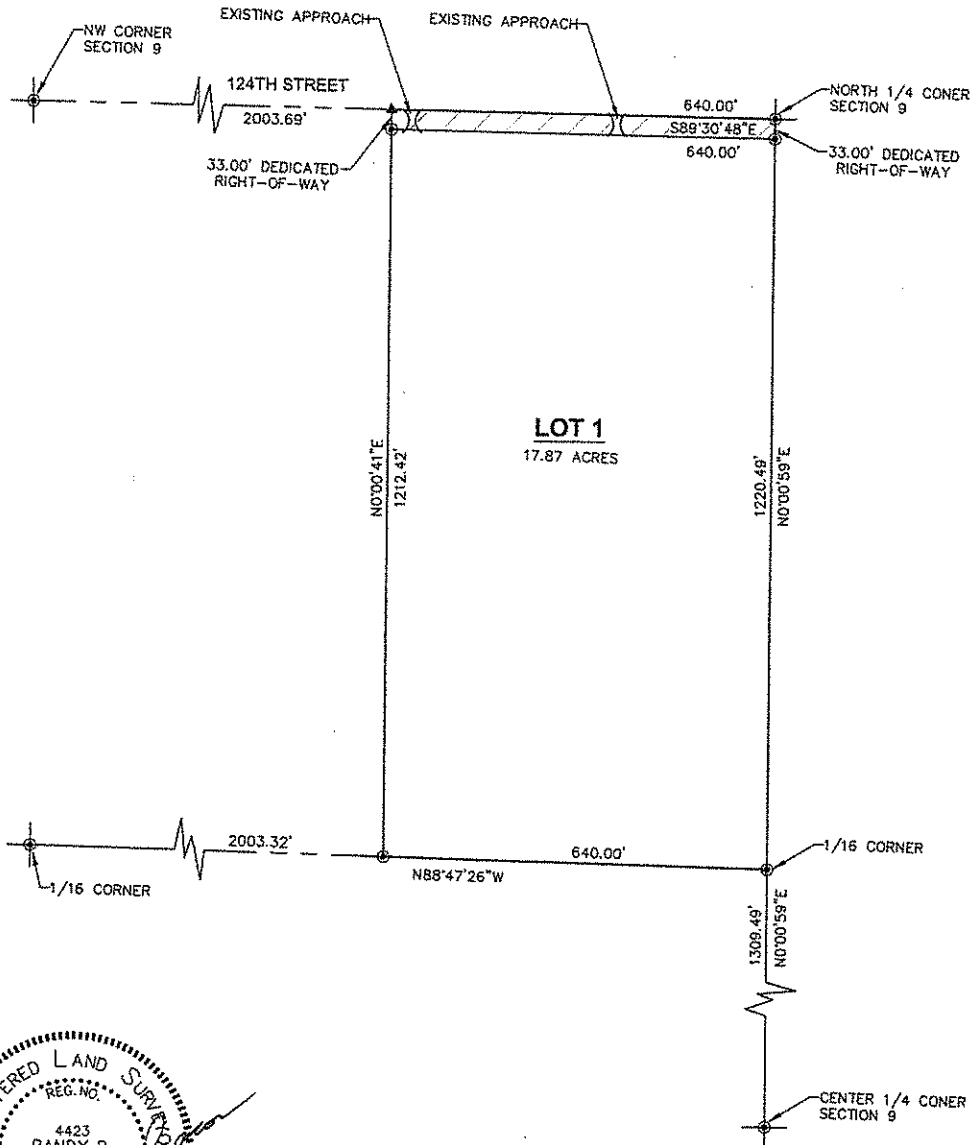
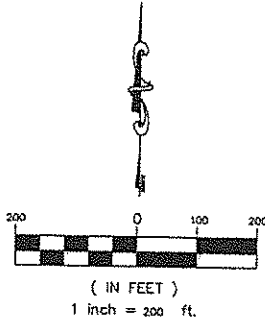
**CULLY CONN SUBDIVISION IN THE NW 1/4 OF SECTION  
5-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

**LEGEND**

- ⊙ SET 5/8" X 18" REBAR WITH SURVEY  
CAP STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

**BASIS OF BEARINGS**

TRUE MERIDIAN GPS



REGISTERED LAND SURVEYOR  
REG. NO. 4423  
RANDY D. BACON  
7-15-2019

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

PLAT OF

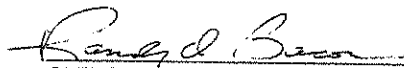
A-7335

**CULLY CONN SUBDIVISION IN THE NW 1/ 4 OF SECTION  
5-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF DORIS K. CONN AS OWNERS, AND UNDER HER DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JULY 5, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5-T124N-R65W 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 15 DAY OF July, 2019.



RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 5 DAY OF August, 2019.



DORIS K. CONN

ACKNOWLEDGEMENT

STATE OF South Dakota

COUNTY OF Brown )SS

ON THIS THE 5 DAY OF August, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DORIS K. CONN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREBY SET MY HAND AND OFFICIAL SEAL.



NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: \_\_\_\_\_  
MY COMMISSION EXPIRES NOVEMBER 6, 2019

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 CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5-T124N-R65W 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

PLAT OF

A-7335

**CULLY CONN SUBDIVISION IN THE NW 1/ 4 OF SECTION  
5-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, 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 CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5--T124N--R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11--3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

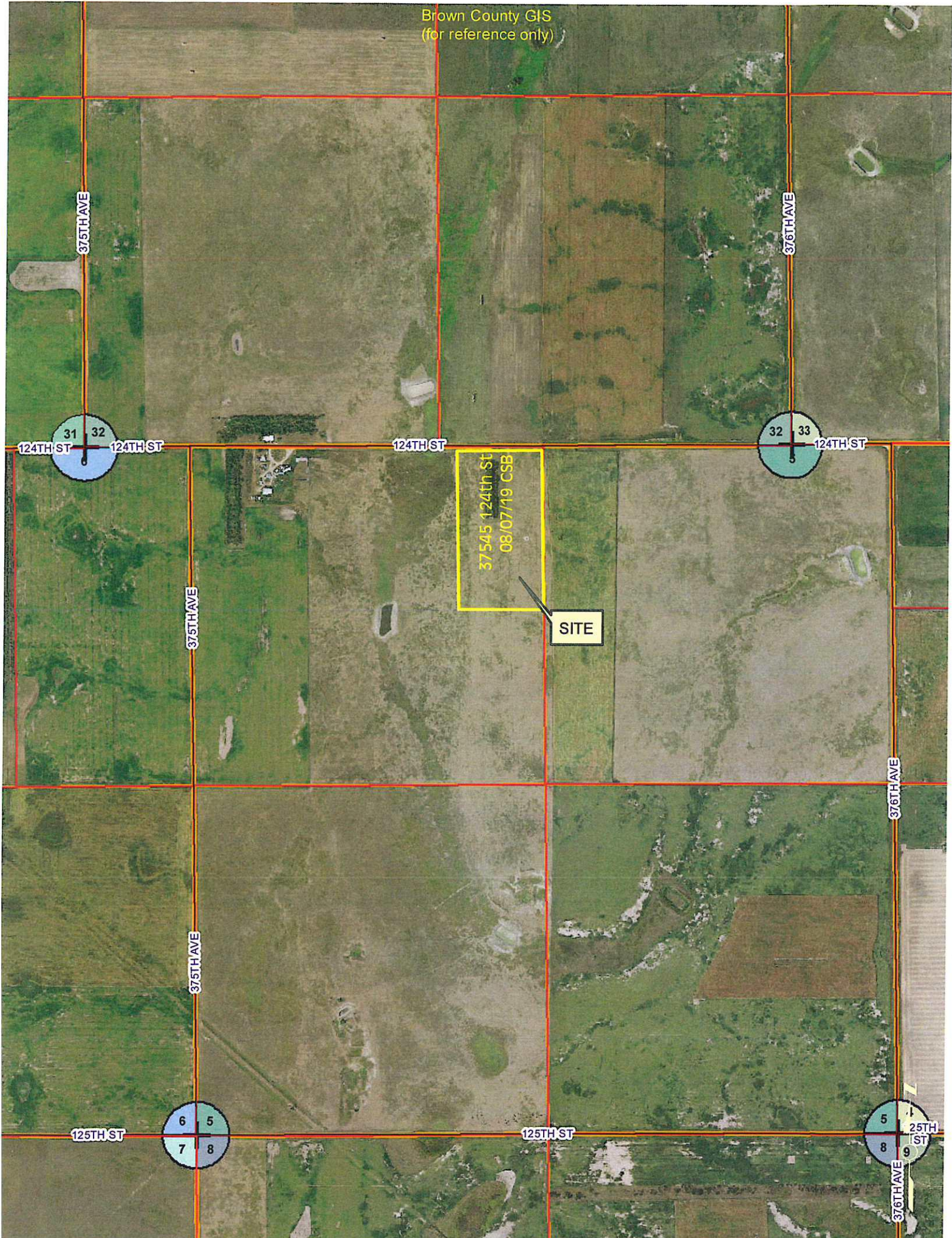
\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Brown County GIS  
(for reference only)



375TH AVE

376TH AVE

124TH ST

124TH ST

124TH ST

375TH AVE

375TH AVE

376TH AVE

125TH ST

125TH ST

125TH ST

376TH AVE

37545 124th St  
08/07/19 CSB

SITE





Brown County GIS  
(for reference only)

124TH ST

SITE

37545 124th St  
08/07/19 CSB





# STAFF REPORT

August 20, 2019

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## PETITION TO REZONE

ITEM # 10

---

### GENERAL INFORMATION

PETITIONER	Kurt Pigors
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION:	Lot 4, Block I, "Richmond Heights Subdivision" in the E1/2 of Section 32-T124N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
TOWNSHIP	Lincoln Twp
LOCATION	38377 Richmond Heights Dr
EXISTING ZONING	Agricultural District (A-I)
SURROUNDING ZONING	
North:	Agricultural District (A-I)
South:	Agricultural District (A-I)
East:	Agricultural District (A-I)
West:	Agricultural District (A-I)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Rezone to go from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) and bring parcel into compliance with its current use (7.45± acres).

RECOMMENDATION: Staff recommends approval of this rezone. The petitioner submitted a Permit application for a large garage addition and staff spoke to Kurt Pigors about being "existing non-conforming" and we should bring this lot into compliance. The parcel does not meet the minimum of 40.0 acres for AG-P.



## 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 *August 20, 2019 at 7:00 p.m.* for the purpose of Rezoning from Agriculture Zone (A-1) to Mini Agriculture District (M-AG)

Owner & Petitioner: *Kurt Pigors*

Description of property: *Lot 4, Block 1, "Richmond Heights Subdivision" in the E1/2 of Section 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38377 Richmond Heights Dr).*

Reason: *existing non-conforming rural residential lot of 7.45 acres should be zoned as M-AG rather than the existing A-1 to bring it into conformity.*

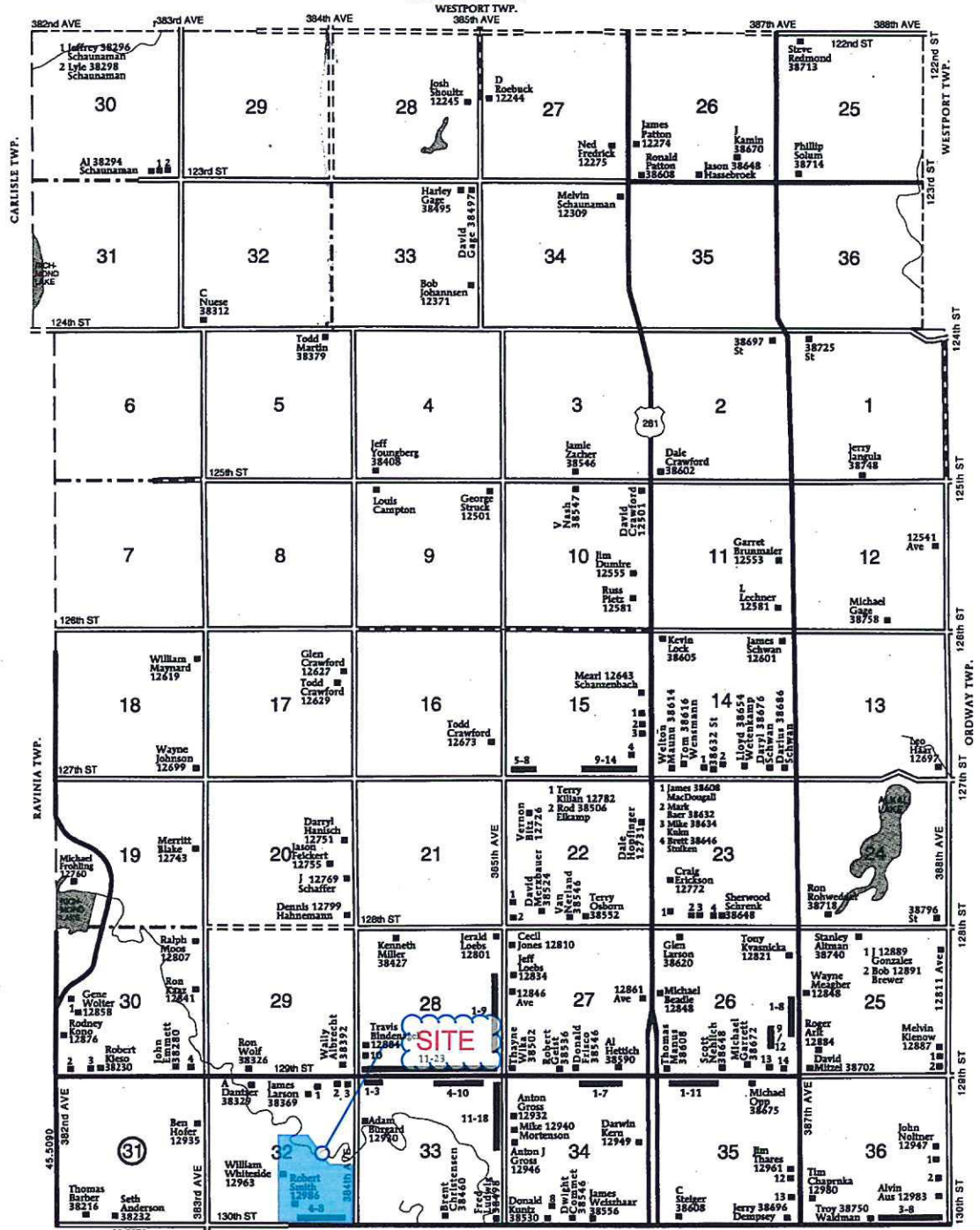
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The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of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

*Dated this July 31, 2019*

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

Published once at the total approximate cost of \_\_\_\_\_.



LINCOLN TOWNSHIP

SECTION 14

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

SECTION 15

- 1 Schaanman, Chad 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Kieez, Marvin 12685
- 5 Huetti, 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 Wetsenkamp, 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 12868
- 11 Hedge, Duane 12870
- 12 Call, Ty 12874
- 13 Wahi, Merle 38686
- 14 Punt, Lawayne 38690

SECTION 28S

- 1 Drageset, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Carlson, Cartor 12853

SECTION 30S

- 1 Podoll, M 12852
- 2 Schlagel, Gene 38206
- 3 38228
- 4 Aman, Dwight 12871
- 8 Kotzea, D 12881
- 9 Nordstrom, Allen 12891
- 10 Hauge, Chad 12888
- 11 Bliz, Marvin 38404
- 12 Gab, Dale 38406
- 13 Bliz, Sheldon 38412
- 14 Hammrich, Marc 38414
- 15 Bellikka, Nell 38424
- 16 Nelber, Danny 38434
- 17 Jakober, Glen 38452
- 18 Buechler, Todd 38460
- 19 Siefken, Lon 38464
- 20 Haback, F 38474
- 21 Kamm, Casey 38478
- 22 Whitney, Charles 38484
- 23 Peterson, Kenneth 38488

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
- 1 Waltman, Frank 38405
- 2 Malsam, Ervin 38409
- 3 Krueger, Gerald 38413
- 4 Burt, Roy 38453
- 5 Sutton, Duane 38459
- 6 Aman, Bonnell 38463
- 7 Hagmann, Rick 38489
- 8 Allibe, M 38479

SECTION 34S

- 1 Hartung, John 38549
- 2 Shilman, Larry 38557
- 3 Tarrell, Ron 38559
- 4 Odde, N 38563
- 5 Votzke, Randy 38587
- 6 Malsam, Melvin 38589
- 7 Igo, Loren 38591
- 8 Ritter, Loren 38534
- 1 Jaitman, Frank 38405
- 2 Malsam, Ervin 38409
- 3 Krueger, Gerald 38413
- 4 Burt, Roy 38453
- 5 Sutton, Duane 38459
- 6 Aman, Bonnell 38463
- 7 Hagmann, Rick 38489
- 8 Allibe, M 38479

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: 7/31/19  
Receipt: 132173  
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 4, Block 1, "Richmond Heights Subdivision" in the E1/2 of Section 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota.*

General Area Location or Street Address: *38377 Richmond Heights Dr*  
From: Agriculture (A-1)  
To: Mini Agriculture (M-AG)

Purpose: *existing non-conforming rural residential lot of 7.45 acres should be zoned as M-AG rather than the existing A-1 to bring it into conformity.*

Size of Parcel: 7.45 acres  
Existing Land Use: Rural Residential

Petitioner: Kurt Pigors  
Signature: \_\_\_\_\_  
Date: 07/01/2019 Phone: 605-380-6066  
Address: 38377 Richmond Heights Dr  
Aberdeen, SD 57401

Owner: Kurt Pigors  
Signature: \_\_\_\_\_  
Date: 07/01/2019 Phone: 605-380-6066  
Address: 38377 Richmond Heights Dr  
Aberdeen, SD 57401

Brown County GIS  
(for reference only)

RICHMOND  
HEIGHTS DR

384TH AVE

Garage Addition

RICHMOND HEIGHTS DR

384TH AVE

130TH ST

130TH ST

130TH ST

32 33  
5 4  
130TH ST

384TH AVE





Brown County GIS  
(for reference only)

384TH AVE

RICHMOND HEIGHTS DR

384TH AVE



Garage Addition





# STAFF REPORT

August 20, 2019

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## PETITION TO REZONE

ITEM # 11

---

### GENERAL INFORMATION:

PETITIONER: John Grebner

REQUEST: Petition to rezone property

LEGAL DESCRIPTION: 137' South of North 548' of East 318' NE ¼ of the SE1/4 of Section 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

TOWNSHIP: Aberdeen Twp

LOCATION: 1424 S Melgaard Rd

EXISTING ZONING: Agricultural Preservation District (AG-P)

### SURROUNDING ZONING:

North:	Residential District (R-1)
South:	Residential District (R-1)
East:	Mini Agricultural District (M-AG)
West:	Residential District (R-1)

REPORTED BY: Scott Bader

GENERAL COMMENT: This is an existing non-compliant lot currently zoned Agriculture Preservation District (AG-P) with 0.90± acres.

REVIEW: rezoning to residential district (r-1) will bring the parcel into compliance with the current use. The petitioner submitted a building permit application for 2 egress windows, interior framing/remodeling, exterior drain tile, and an addition to the front for a porch.





## 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 August 20, 2019 at 7:00 p.m. for the purpose of Rezoning from Agriculture Preservation District (AG-P) to Residential District (R-1)

Owner & Petitioner: *John Grebner*

Description of property: *137' South of North 548' of East 318' NE ¼ of the SE ¼ of Section 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1424 S Melgaard Rd).*

Reason: *To bring the zoning district into compliance with the existing use.*

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the 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 31<sup>st</sup> day of July, 2019*

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

Published once at the total approximate cost of \_\_\_\_\_.

**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: 7-29-19  
Receipt: 132166  
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:*** 137' South of North 548' of East 318' NE1/4 of the SE 1/4 of Section 20-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

***General Area Location or Street Address:*** 1424 S Melgaard Rd  
From: Agriculture Preservation District (AG-P)  
To: Residential District (R-1)

***Purpose:*** Bring the zoning district into compliance with the existing use

***Size of Parcel:*** One Acre

***Existing Land Use:*** Residential

Owner/Petitioner: John Grebner

Signature: John M. Grebner

Date: 07/16/19 Phone: 605-380-0917

Address: 2215 16<sup>th</sup> Ave NW

Aberdeen, SD 57401

.....



(No. 712895)  
(July 31, 2019 - 1T)

### 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 August 20, 2019 at 7:00 p.m. for the purpose of Rezoning from Agriculture Preservation District (AG-P) to Residential District (R-1)

Owner & Petitioner: *John Grebner*

Description of property: *137' South of North 548' of East 318' NE 1/4 of the SE 1/4 of Section 20-T123N-R63W of the 5th P.M., Brown County, South Dakota (1424 S Melgaard Rd).*

Reason: *To bring the zoning district into compliance with the existing use.*

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the 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 31st day of July, 2019*

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

Published once at the total approximate cost of \$28.11.

## -Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, contact us prior to deadline at (605) 229-5555 or email at [customerservice@aberdeennews.com](mailto:customerservice@aberdeennews.com)

**Date:** 07/29/19

**Account #:** 201262

**Company Name:** Brown County Auditor-Legals

**Address:** 25 Market St  
Aberdeen

**Telephone:** (605) 626-7110  
**Fax:**

### Publications:

Aberdeen American News  
AB Online

**Ad ID:** 712895

**Copy Line:** (No. 712895) (July 31, 2019 -

### PO Number:

**Start:** 07/31/19

**Stop:** 07/31/19

**Total Cost:** \$28.11

**# of Lines:** 46

**Total Depth:** 4.736

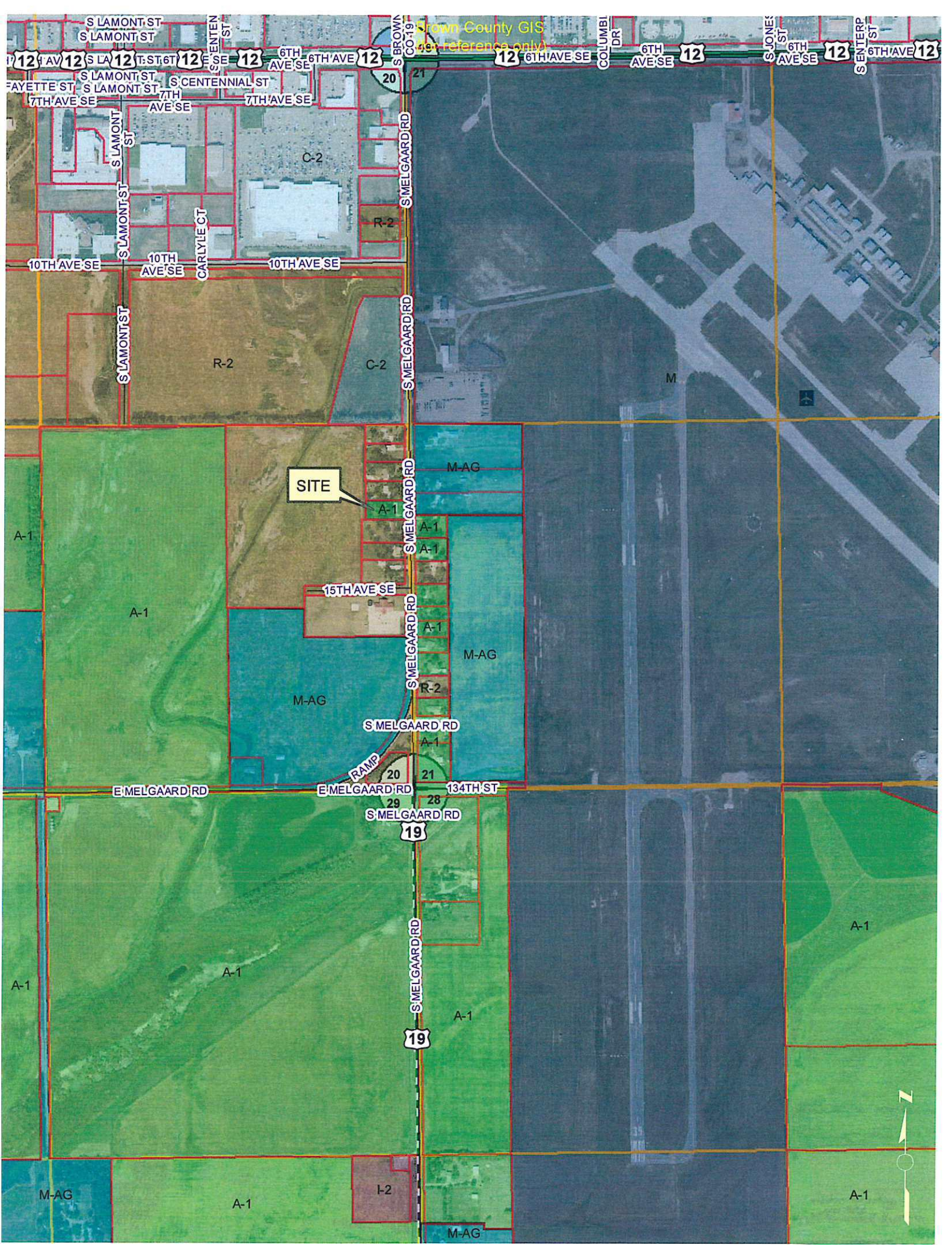
**# of Inserts:** 2

**Ad Class:** 7700

**Phone #** (605) 229-5555

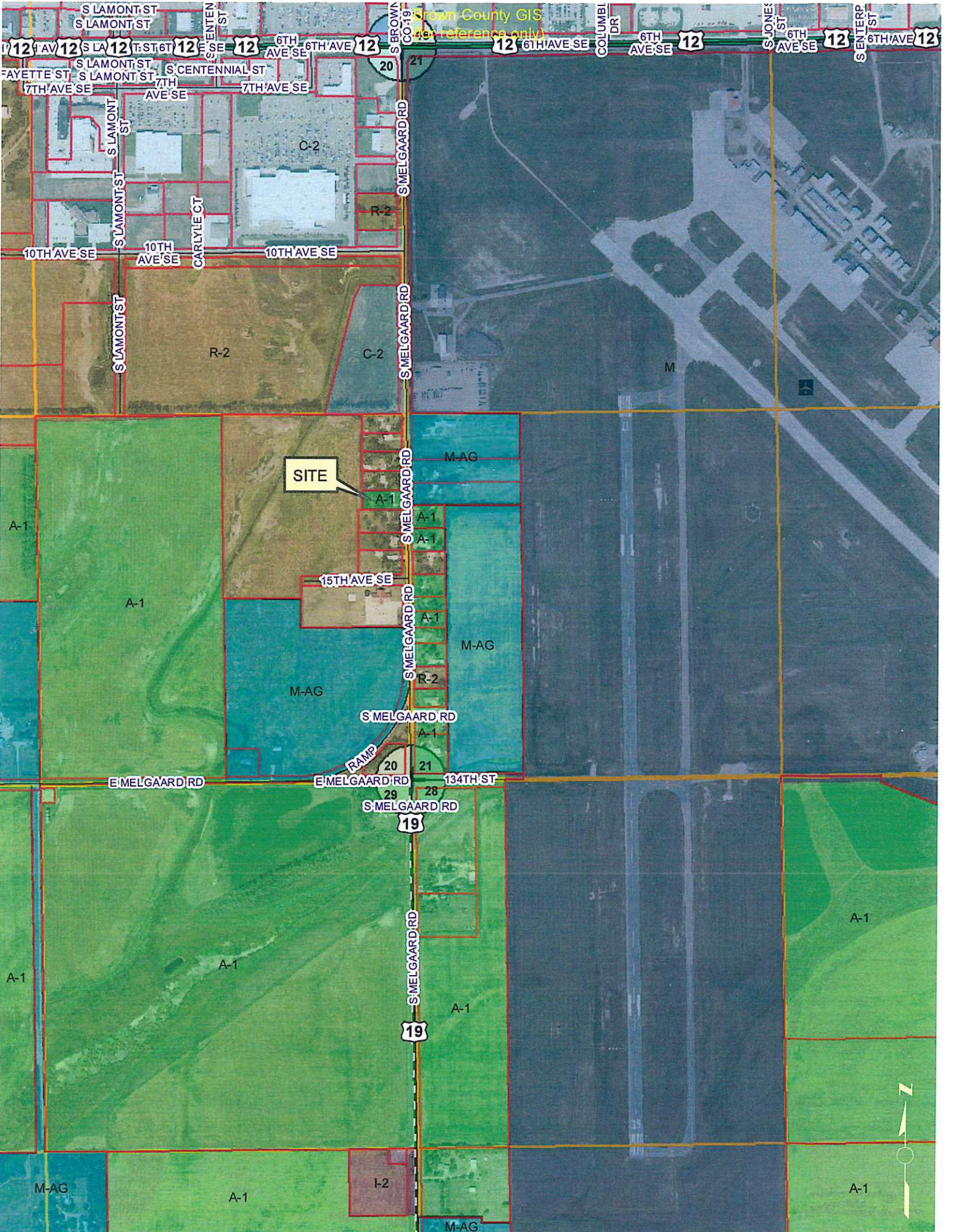
**Email:** [customerservice@aberdeen-news.com](mailto:customerservice@aberdeen-news.com)





Brown County GIS  
499 reference only

SITE



Brown County GIS  
499 reference only

SITE



C-2

Brown County GIS  
(for reference only)

M

S MELGAARD RD

R-2

M-AG

SITE

S MELGAARD RD

A-1

A-1

M-AG

A-1





# STAFF REPORT

August 20, 2019

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## PETITION TO REZONE

ITEM # 12

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### GENERAL INFORMATION:

PETITIONER: Jason Klootwyk

REQUEST: Petition to Rezone property

LEGAL DESCRIPTION: Lot 1, "Klootwyk Addition" in the NE1/4 of Section 5-T123N-R62W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Bath Twp

LOCATION: 39595 130<sup>th</sup> St

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone of Lot 1 for conveyance and cleanup of property lines.

REVIEW: Lot 1 (6.05± acres) does not meet a minimum 40.0 acres for AG-P District and does not qualify for the "farm unit" definition for AG-P District. Rezoning Lot 1 to Mini Agriculture District (M-AG) for rural residential brings this parcel into compliance. The Petitioner has submitted an application for rezoning Lot 1.



## 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 August 20, 2019 at 7:00 p.m. for the purpose of Rezoning from Agricultural Preservation District (AG-P) to Mini Agriculture District (M-AG).

Owner & Petitioner: Jason Klootwyk

Description of property: *Lot 1 of "Klootwyk Addition" in the NE1/4 of Section 5-T123N-R62W of the 5th P.M., Brown County, South Dakota (39595 130<sup>th</sup> St).*

Reason: *To bring the parcel into compliance with the existing use of the property. This property is smaller than minimum 40.0 acres required for being AG-P.*

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

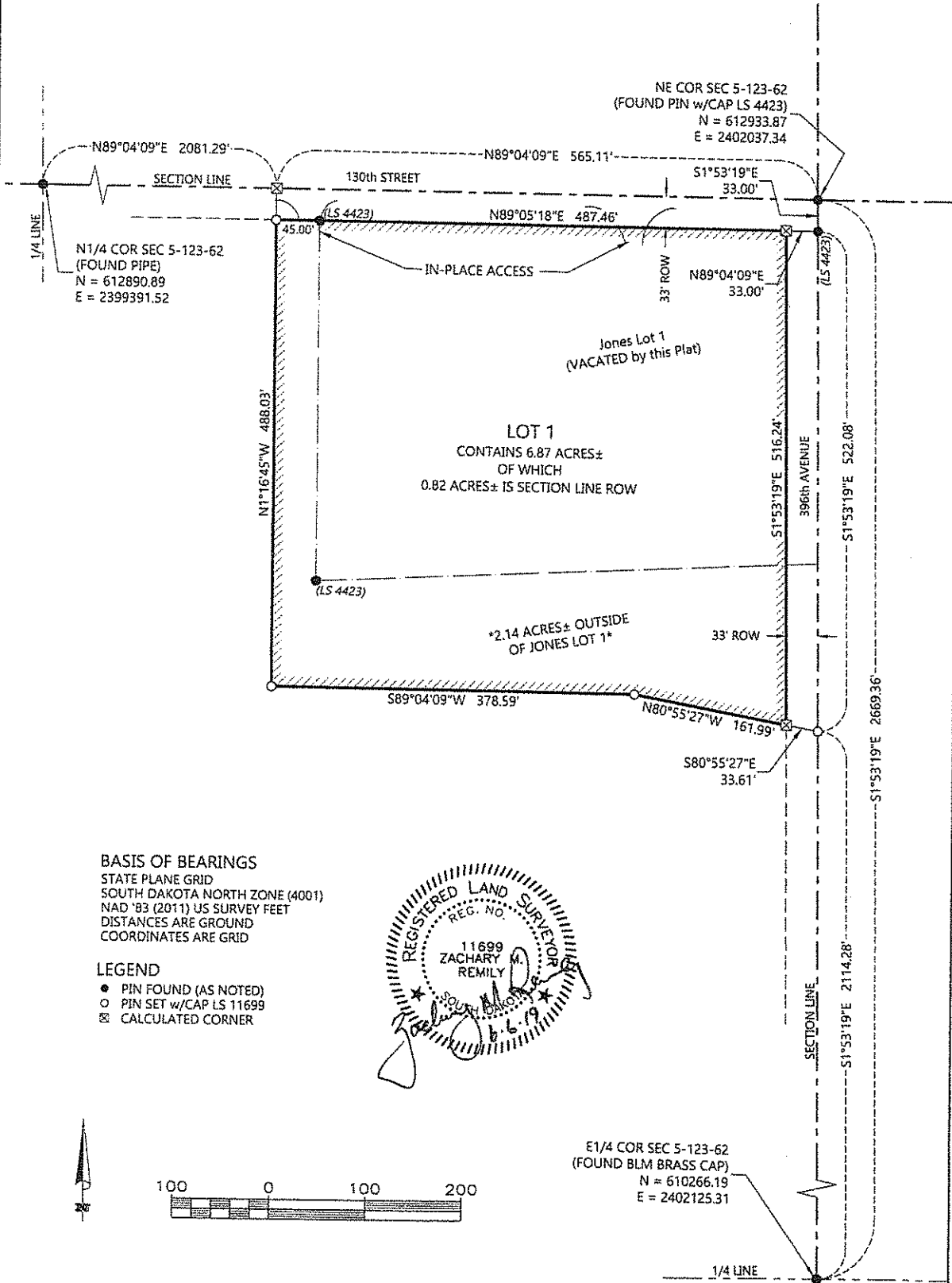
*Dated this 31<sup>st</sup> day of July, 2019*

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

Published once at the total approximate cost of \_\_\_\_\_.

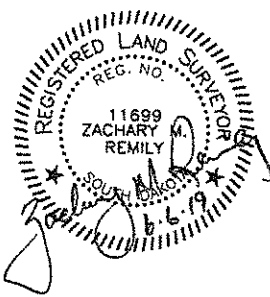


PLAT SHOWING  
**KLOOTWYK ADDITION**  
 IN THE NE1/4 OF SECTION 5,  
 TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.  
 BROWN COUNTY, SOUTH DAKOTA



**BASIS OF BEARINGS**  
 STATE PLANE GRID  
 SOUTH DAKOTA NORTH ZONE (4001)  
 NAD '83 (2011) US SURVEY FEET  
 DISTANCES ARE GROUND  
 COORDINATES ARE GRID

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



E1/4 COR SEC 5-123-62  
 (FOUND BLM BRASS CAP)  
 N = 610266.19  
 E = 2402125.31

PREPARED BY:

**CLARK ENGINEERING**  
 Clark Engineering Corporation  
 3314 Milwaukee Avenue NE, Suite 2  
 Aberdeen, SD 57401  
 Phone: (605) 225-3494  
 Fax: (605) 225-5433  
 Aberdeen@clark-eng.com EOE



PLAT SHOWING  
**KLOOTWYK ADDITION**  
 IN THE NE1/4 OF SECTION 5,  
 TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.  
 BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Gary Johnson, do hereby certify that I am the owner of the Northeast Quarter (NE1/4) of Section Five (5) [EXCEPT Jones Lot 1], Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota (Trustee's Deed filed 11-14-2012 and duly recorded in Book 294 Deeds, Page 189), and that I 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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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.

Owner: Gary Johnson  
Gary Johnson  
 Signature

Signed this 17th day of June, 2019.

COUNTY OF Seneca )  
 ) SS  
 STATE OF California )

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 17th day of June, 2019, before me, a notary public, the undersigned officer, personally appeared Gary Johnson known to me to be the person in and who executed the within instrument.

My Commission Expires: May 20, 2021  
Sean Dwyer  
 Notary Public



**OWNER'S CERTIFICATE**

We, Jason Klootwyk and Jennifer Klootwyk, do hereby certify that we are the owners of Jones Lot 1 in the Northeast Quarter (NE1/4) of Section Five (5), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota (Warranty Deed filed 5-31-2019 and duly recorded in Book 304 Deeds, Page 44), 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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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, Jason Klootwyk and Jennifer Klootwyk, do hereby VACATE Jones Lot 1 in the Northeast Quarter (NE1/4) of Section Five (5), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota as filed for record on September 2, 1999 and duly recoded in Book of Plat No. 18, Page 1373E.

Owner:  
Jason Klootwyk  
 Jason Klootwyk

Signed this 12th day of June, 2019.

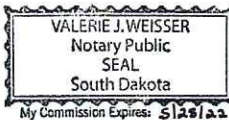
Jennifer Klootwyk by Jason Klootwyk Attorney-In-Fact  
 Jennifer Klootwyk (Jason Klootwyk - Limited Power of Attorney)

Signed this 12th day of June, 2019.

COUNTY OF Brown )  
 ) SS  
 STATE OF South Dakota )

On this 12th day of June, 2019, before me, a notary public, the undersigned officer, personally appeared Jason Klootwyk and Jennifer Klootwyk known to me to be the persons in and who executed the within instrument.

My Commission Expires: 5/25/22  
Valerie J. Weisser  
 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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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 16th day of JUNE, 2019.



**HIGHWAY APPROVAL**

"Access to 130th 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 \_\_\_\_\_, 2019.

Highway or Street Authority \_\_\_\_\_

PREPARED BY:



Clark Engineering Corporation  
 3314 Milwaukee Avenue NE, Suite 2  
 Aberdeen, SD 57401  
 Phone: (605) 225-3494  
 Fax: (605) 225-5433  
 Aberdeen@clark-eng.com EOE

PLAT SHOWING  
**KLOOTWYK ADDITION**  
IN THE NE1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.  
BROWN COUNTY, SOUTH DAKOTA

**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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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.

**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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_ O'clock \_\_\_\_\_ M., and duly recorded in Cabinet .

No. \_\_\_\_\_, Page No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota

PREPARED BY:

**CLARK**  
ENGINEERING

Clark Engineering Corporation  
3314 Milwaukee Avenue NE, Suite 2  
Aberdeen, SD 57401  
Phone: (605) 225-3494  
Fax: (605) 225-5433  
Aberdeen@clark-eng.com EOE

**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: 7/29/19  
Receipt: 132169  
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 of "Klootwyk Addition" in the NE1/4 of Section 5-T123N-R62W of the 5th P.M., Brown County, South Dakota.

---

***General Area Location or Street Address:*** 39595 130<sup>th</sup> St

***From:*** Agricultural Preservation District (AG-P)

***To:*** Mini Agriculture District (M-AG).

***Purpose:*** To bring this parcel into compliance with the proposed use of the property for the new owner. The new parcel is being platted and sold. The new parcel is smaller than minimum 40.0 acres required for being zoned AG-P and it does not meet the definition of "family farm unit".

***Size of Parcel:*** 6.87+ acres

***Existing Land Use:*** Lot 1 Jones of "Lot 1 Jones" = AG-P rural residential farm unit

Owner/Petitioner; Jason Klootwyk

Signature: 

Date: 7/10/19 / Phone: 815-535-7930

Address: 39595 130<sup>th</sup> St Bath, SD 57427

**David Bruckner**  
Re: Bath Township  
39554 132<sup>nd</sup> Street  
Bath, South Dakota 57427

**James Whitman**  
Re: Bath Township  
39561 134<sup>th</sup> Street  
Bath, South Dakota 57427

**Jeff Hanson**  
re: Bath Township  
13252 397<sup>th</sup> Avenue  
Bath, South Dakota 57427

**Travis Olson**  
12606 395<sup>th</sup> Avenue  
Bath, South Dakota 57427-5311

**Jarrett Jones**  
39595 130<sup>th</sup> Street  
Bath, South Dakota 57427

**Jarrett Jones Real Estate LP**  
39595 130<sup>th</sup> Street  
Bath, South Dakota 57427

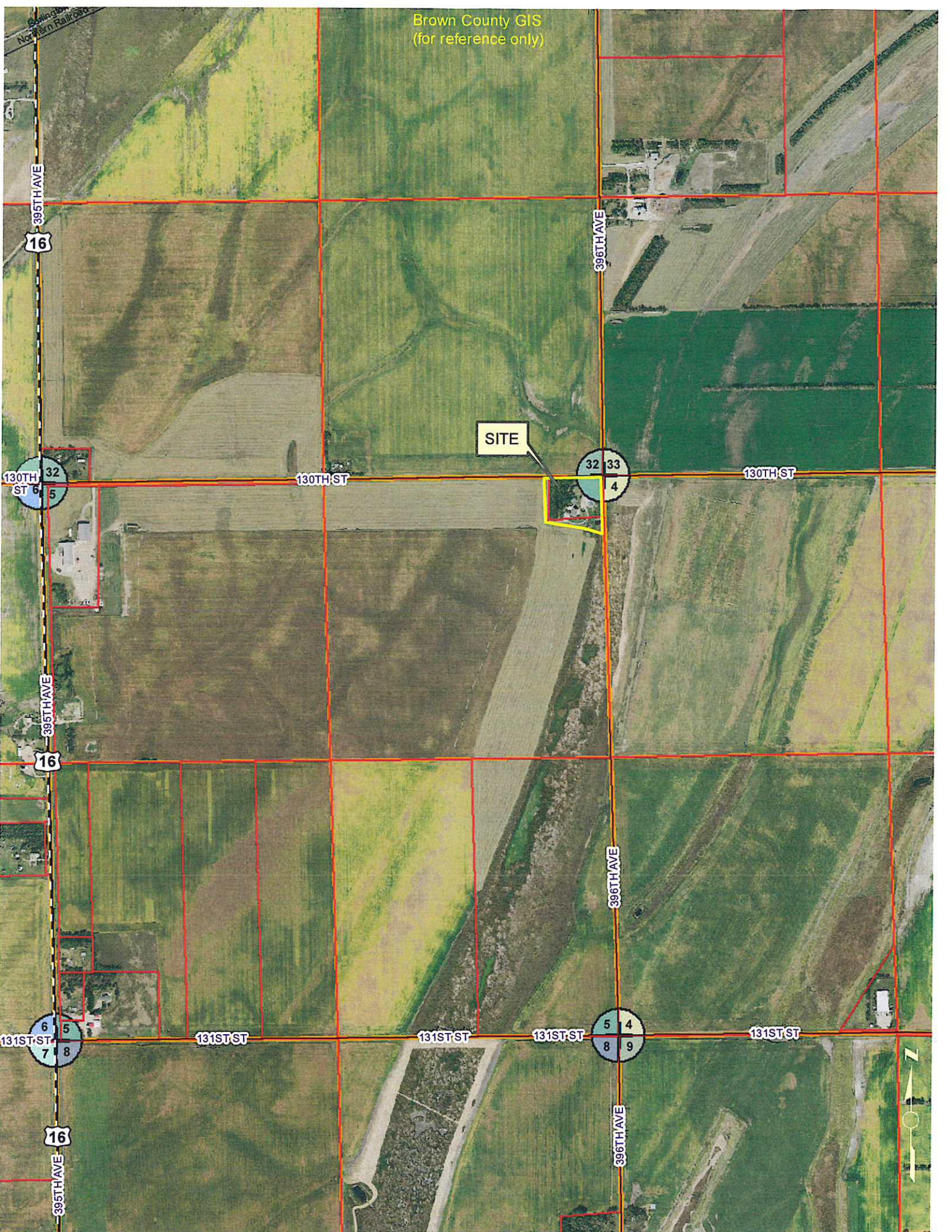
**C&N Boynton Farm LLC**  
39752 130<sup>th</sup> Street  
Bath, South Dakota 57427

**Gary Johnson**  
c/o Dacotah Bank Trust Dept  
PO Box 1210  
Aberdeen, SD 57402-1210

**William Scott**  
13098 395<sup>th</sup> Avenue  
Bath, South Dakota 57427-5912

**John Sperry**  
798 N Lake Drive  
Watertown, SD 57201-5518

Brown County GIS  
(for reference only)



SITE

32  
33  
34  
35  
130TH ST

32  
33  
34  
396TH AVE

6  
5  
4  
3  
7  
8  
131ST ST

5  
4  
3  
2  
8  
9  
396TH AVE



Brown County GIS  
(for reference only)

396TH AVE

SITE

130TH ST

32 33  
130TH ST  
5 4





# STAFF REPORT

August 20, 2019

---

## PRELIMINARY & FINAL PLAT

ITEM # 13

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### GENERAL INFORMATION

PETITIONER	Jason Klootwyk
REQUEST	<b>Preliminary &amp; Final Plat</b>
LEGAL DESCRIPTION	Lot 1, "Klootwyk Addition" in the NE1/4 of Section 05-T123N-R62W of the 5th P.M., Brown County, South Dakota
TOWNSHIP	Bath Twp
LOCATION	39595 130 <sup>th</sup> St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

**GENERAL COMMENT:** The petitioner is requesting this Preliminary and Final Plat for clean-up of property lines.

**REVIEW:** Staff has reviewed this Preliminary and Final Plat and acknowledges that they have existing access. Lot 1 does not meet a minimum 40.0 acres for AG-P or qualify for the "farm unit" definition. Recommend approval of plat with the stipulation that they rezone Klootwyk Lot 1 to Mini Agriculture District (M-AG) and that the rezone is approved. The Petitioner has submitted an application already for a rezone to Lot 1.





**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME Kloutwyk Addition

QUARTER: NE SECTION: 5 TOWNSHIP: 123 RANGE: 62

LOTS 1, 2, 3 1 TRACTS 1, 2, 3 ~~\_\_\_\_\_~~ PARCELS 1, 2, 3 ~~\_\_\_\_\_~~ NOTHING SHOWN \_\_\_\_\_

OWNERS NAMES: Jason Kloutwyk

OWNERS NAMES: \_\_\_\_\_

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Zachary Remily (Clark Engineering)

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH X

FEE: \$25.00 ACRES x \$1.00 6.00 TOTAL: \$ 31.00 DATE PAID: 07 / 29 /2019

RECEIVED BY PLANNING DEPARTMENT: 05 / 13 /20 19 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. 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 \_\_\_\_\_

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

**CONSIDERED BY COUNTY PLANNING COMMISSION:**

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON  
w/stip to rezone to M-AG District (6.87 acres; doesn't meet "farm unit" requirements)

**CONSIDERED BY COUNTY COMMISSION:**

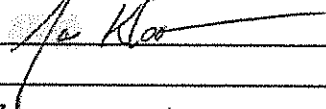
RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: July 10, 2019  
RECEIPT # 132170  
TOWNSHIP: Bath

FEES: 31<sup>00</sup>  
PAID:  YES  NO  CHK  CASH  
DATE: 7-29-19

OWNERS SIGNATURE: Jason Klootwyk   
OWNERS ADDRESS: 39595 130th St  
OWNERS CITY, STATE, ZIP: Bath, SD 57427  
OWNERS PHONE: 815-535-7930

AGENTS SIGNATURE: Clark Engineering Corp  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401  
AGENTS PHONE: 605-225-3494

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lot 1 of "Klootwyk Addition" in the NE1/4 of Section 5-T123N-R62W  
of the 5th P.M., Brown County, South Dakota (39595 130th St)

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: AUGUST 20, 2019 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

# Want a "free" extra book?

By reviewing township Directory maps for correct information before we publish the next issue, FHP will send you a free book of any county in any state printed by FHP for that year.

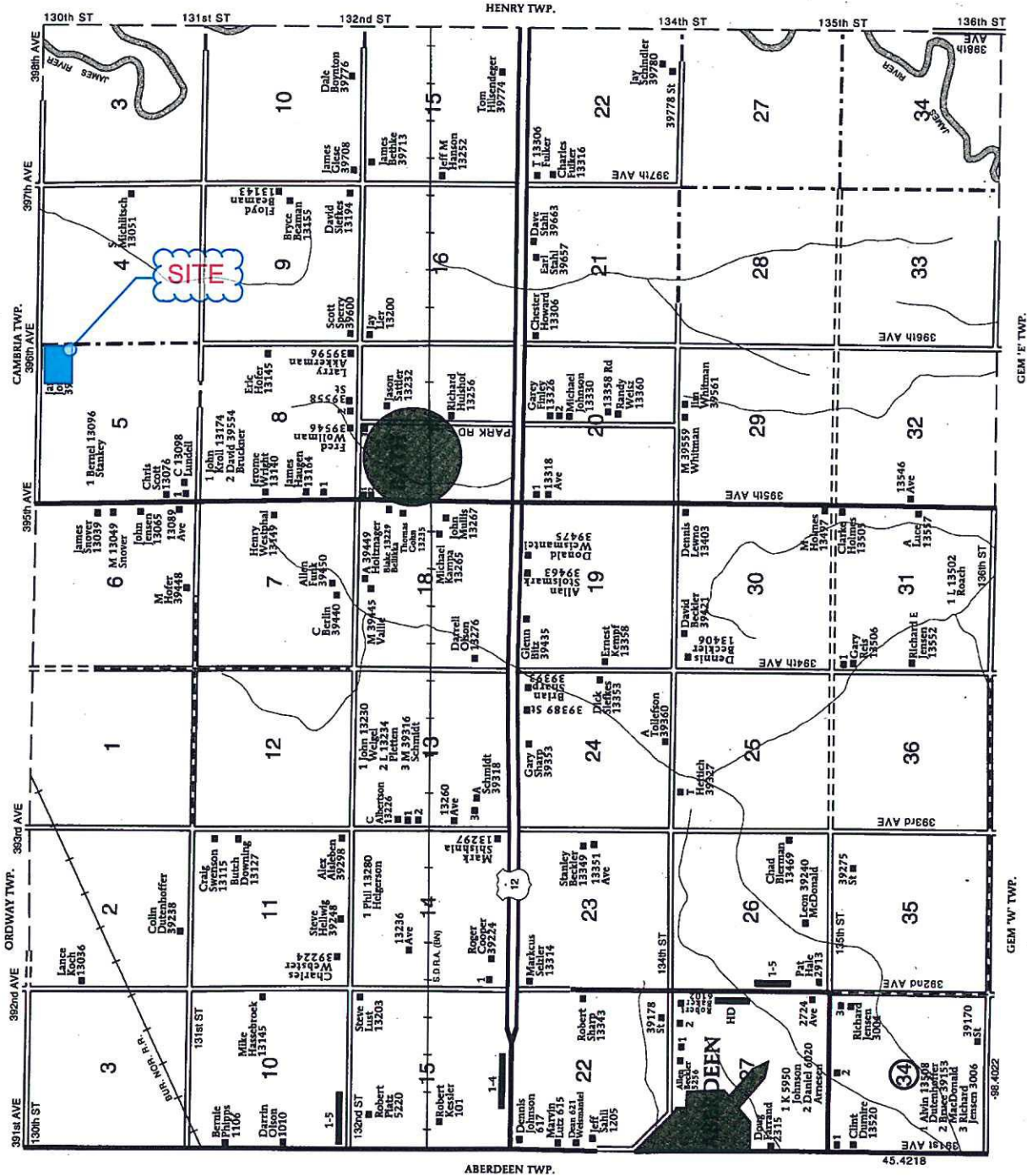
Contact our updating dept. at  
**800-685-7432-ext. 2605** or  
 email: [amanda.engebretson@farmandhomepublishers.com](mailto:amanda.engebretson@farmandhomepublishers.com)

T-123-N

## BATH DIRECTORY

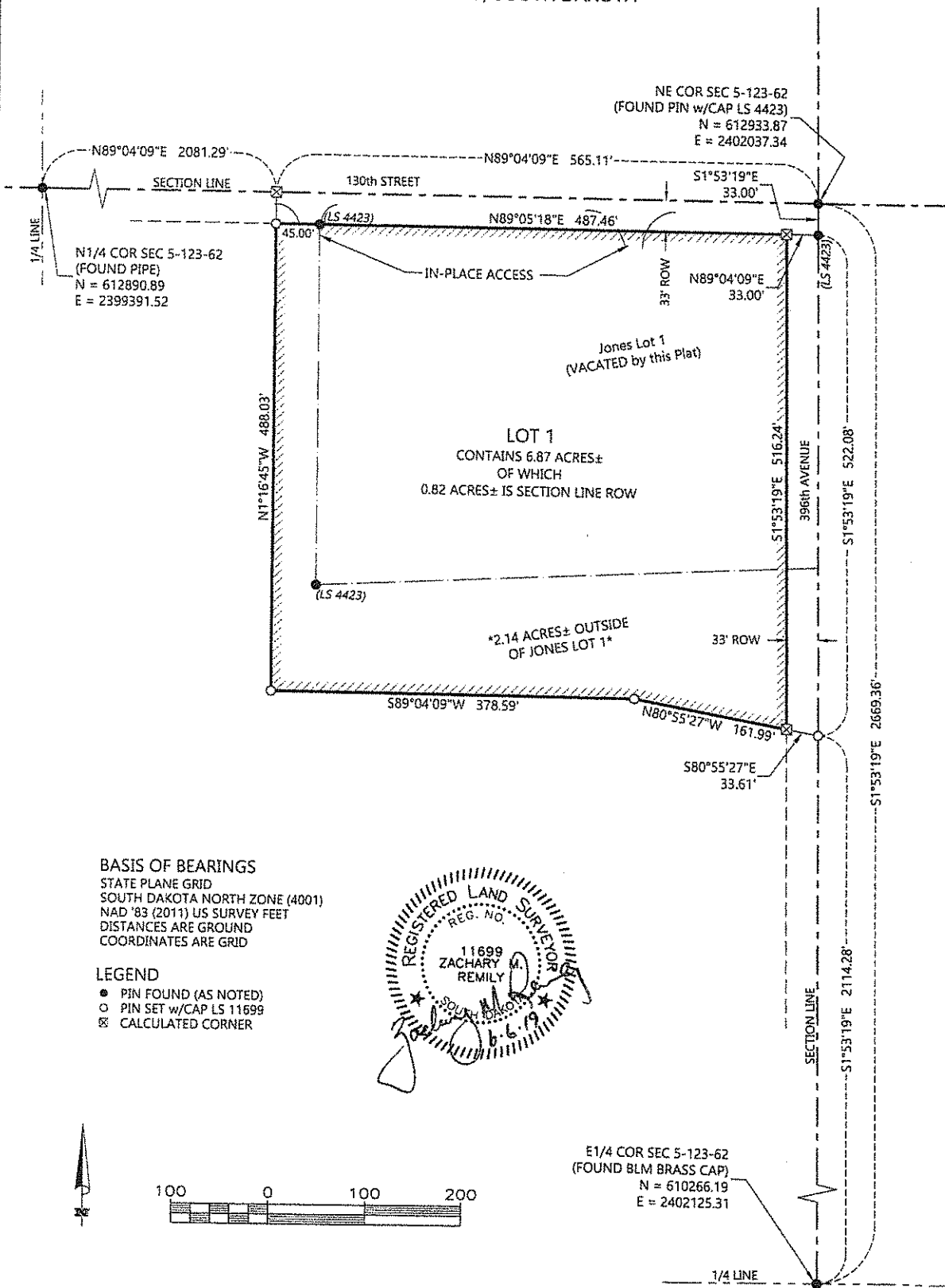
R-62-63-W

(Residents - Owners or Renters)



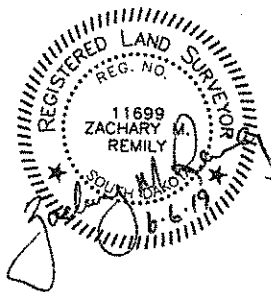
- BATH TOWNSHIP**
- SECTION 10W**
- 1 Becker, Ron 5005
  - 2 Tennant, Cory 5025
  - 3 5091
  - 4 Gross, Del 5115
  - 5 Harper, Steve 5219
- SECTION 15W**
- 1 Goseman, C 5405
  - 2 Eilers, Todd 5455
  - 3 Knudson, R 5485
  - 4 Goseman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
  - 2 Brinkman, Stanley 13230
- SECTION 20**
- 1 Westphal, Henry 13316
  - 2 Rohrbach, Kevin 13328
- SECTION 28**
- 1 Bellikka, Daryl 2111
  - 2 Kohlhaas, Paul 2135
  - 3 Griese, Doug 2215
  - 4 Rud, Robert 2317
  - 5 Mattern, R 2519

PLAT SHOWING  
**KLOOTWYK ADDITION**  
 IN THE NE1/4 OF SECTION 5,  
 TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.  
 BROWN COUNTY, SOUTH DAKOTA



**BASIS OF BEARINGS**  
 STATE PLANE GRID  
 SOUTH DAKOTA NORTH ZONE (4001)  
 NAD '83 (2011) US SURVEY FEET  
 DISTANCES ARE GROUND  
 COORDINATES ARE GRID

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



PREPARED BY:

**CLARK**  
 ENGINEERING

Clark Engineering Corporation  
 3314 Milwaukee Avenue NE, Suite 2  
 Aberdeen, SD 57401  
 Phone: (605) 225-3494  
 Fax: (605) 225-5433  
 Aberdeen@clark-eng.com EOE

**PLAT SHOWING  
KLOOTWYK ADDITION**

IN THE NE1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.  
BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Gary Johnson, do hereby certify that I am the owner of the Northeast Quarter (NE1/4) of Section Five (5) [EXCEPT Jones Lot 1], Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota (Trustee's Deed filed 11-14-2012 and duly recorded in Book 294 Deeds, Page 189), and that I 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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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.

Owner: Gary Johnson

Gary Johnson  
Signature

Signed this 17th day of June, 2019.

COUNTY OF Seneca )  
STATE OF California ) SS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 17th day of June, 2019, before me, a notary public, the undersigned officer, personally appeared Gary Johnson known to me to be the person in and who executed the within instrument.

My Commission Expires: May 20, 2021  
Sean D. [Signature]  
Notary Public



**OWNER'S CERTIFICATE**

We, Jason Klootwyk and Jennifer Klootwyk, do hereby certify that we are the owners of Jones Lot 1 in the Northeast Quarter (NE1/4) of Section Five (5), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota (Warranty Deed filed 5-31-2019 and duly recorded in Book 304 Deeds, Page 44), 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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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, Jason Klootwyk and Jennifer Klootwyk, do hereby VACATE Jones Lot 1 in the Northeast Quarter (NE1/4) of Section Five (5), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota as filed for record on September 2, 1999 and duly recoded in Book of Plat No. 18, Page 1373E.

Owner:

Jason Klootwyk  
Jason Klootwyk

Signed this 12th day of June, 2019.

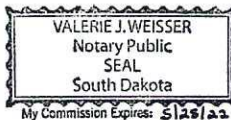
Jennifer Klootwyk by Jason Klootwyk Attorney-In-Fact  
Jennifer Klootwyk (Jason Klootwyk - Limited Power of Attorney)

Signed this 12th day of June, 2019.

COUNTY OF Brown )  
STATE OF South Dakota ) SS

On this 12th day of June, 2019, before me, a notary public, the undersigned officer, personally appeared Jason Klootwyk and Jennifer Klootwyk known to me to be the persons in and who executed the within instrument.

My Commission Expires: 5/25/22  
Valerie J. Weisser  
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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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 16th day of JUNE, 2019.



**HIGHWAY APPROVAL**

"Access to 130th 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 \_\_\_\_\_, 2019.

Highway or Street Authority \_\_\_\_\_

PREPARED BY:



Clark Engineering Corporation  
3314 Milwaukee Avenue NE, Suite 2  
Aberdeen, SD 57401  
Phone: (605) 225-3494  
Fax: (605) 225-5433  
Aberdeen@clark-eng.com EOE

PLAT SHOWING  
**KLOOTWYK ADDITION**  
IN THE NE1/4 OF SECTION 5,  
TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.  
BROWN COUNTY, SOUTH DAKOTA

**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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "KLOOTWYK ADDITION IN THE NE1/4 OF SECTION 5, TOWNSHIP 123 NORTH, RANGE 62 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded in Cabinet

No. \_\_\_\_\_, Page No. \_\_\_\_\_.

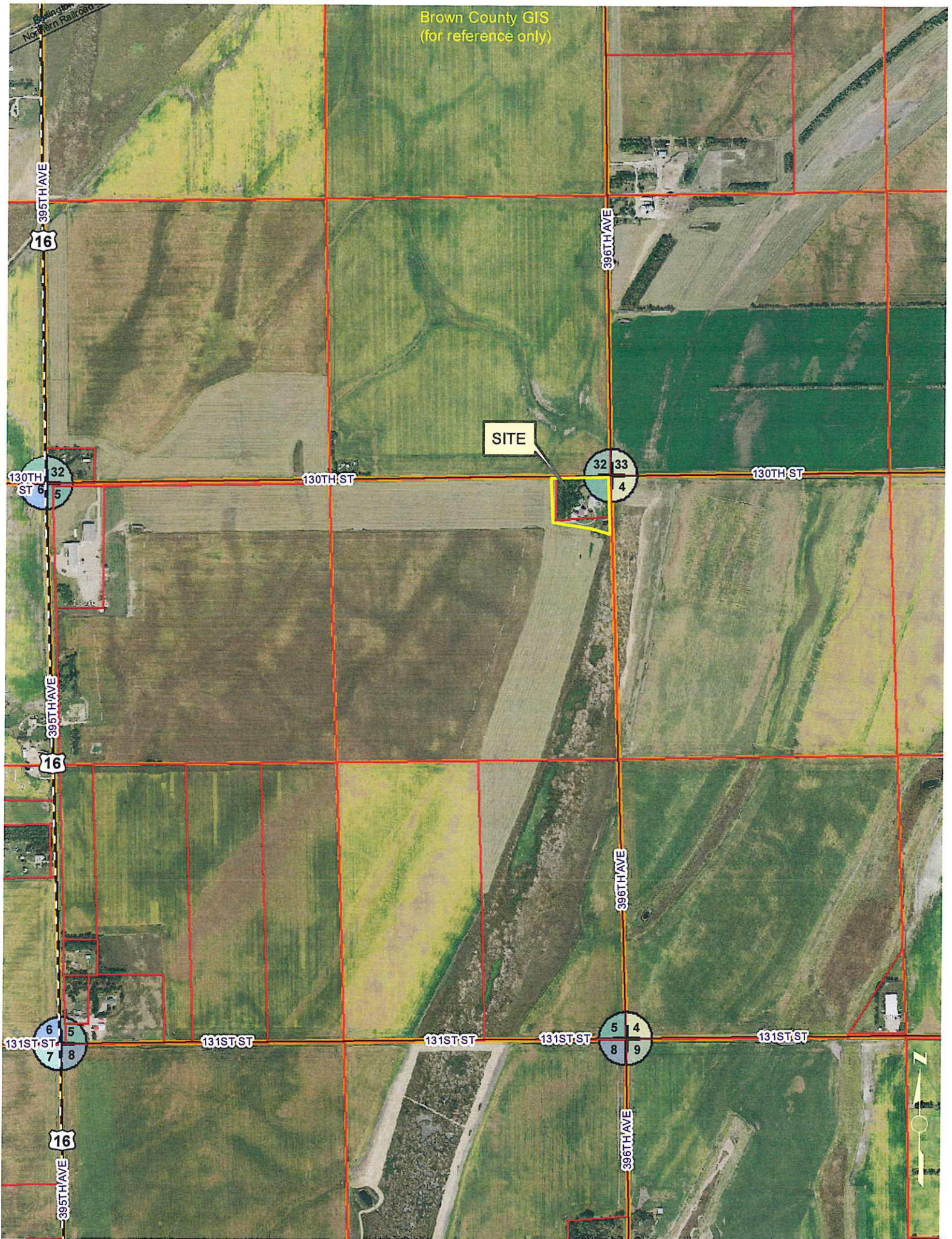
\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota

PREPARED BY:

**CLARK**  
ENGINEERING

Clark Engineering Corporation  
3314 Milwaukee Avenue NE, Suite 2  
Aberdeen, SD 57401  
Phone: (605) 225-3494  
Fax: (605) 225-5433  
Aberdeen@clark-eng.com EOE

Brown County GIS  
(for reference only)



Washington  
Northern Railroad

395TH AVE  
16

396TH AVE

130TH ST  
32  
5

130TH ST

32 33  
4

130TH ST

395TH AVE  
16

396TH AVE

131ST ST  
6 5  
7 8

131ST ST

131ST ST

131ST ST

5 4  
8 9

131ST ST

16

395TH AVE

396TH AVE





Brown County GIS  
(for reference only)

396TH AVE

SITE

130TH ST

32 33  
5 4  
130TH ST





# STAFF REPORT

August 20, 2019

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## PRELIMINARY & FINAL PLAT

ITEM # 14

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### GENERAL INFORMATION:

PETITIONER: Doris Conn

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Cully Conn Subdivision" in the NW1/4 of Section 05-T124N-R65W of the 5th P.M., Brown County, South Dakota

LOCATION: 37545 124<sup>th</sup> St

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

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

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges that they have existing access to Doris' home and to this new lot for Cully. A lot size variance was Published for this meeting.



**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME Cully Conn Subdivision

QUARTER: NW SECTION: 5 TOWNSHIP: 124 RANGE: 65

LOTS 1, 2, 3 1 ~~TRACTS 1, 2, 3~~ ~~PARCELS 1, 2, 3~~ NOTHING SHOWN \_\_\_\_\_

OWNERS NAMES: Doris Conn

OWNERS NAMES: \_\_\_\_\_

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Randy Bacon (Helms & Assoc)

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH X

FEE: \$25.00 ACRES x \$1.00 \_\_\_\_\_ TOTAL: \$ 100.00 DATE PAID: \_\_\_\_/\_\_\_\_/20\_\_\_\_

RECEIVED BY PLANNING DEPARTMENT: 08 / 05 /2019 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. 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 \_\_\_\_\_

TAXES PAID IN FULL FOR THE YEAR X 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: 08/05/19  
RECEIPT # 122183  
TOWNSHIP: Ravinia

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: 8-12-19

OWNERS SIGNATURE: Doris Conn  
OWNERS ADDRESS: 1611 20th Ave SE  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-290-0167

AGENTS SIGNATURE: Cully Conn \* Cully Plann  
AGENTS ADDRESS: 19 N 1<sup>st</sup> ST PO Box 92  
AGENTS CITY, STATE, ZIP: West port, SD 57481  
AGENTS PHONE: 605-290-2212

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lot 1 Cully Conn Subdivision in the NW1/4 of Section 5-T124N-R65W  
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: August 20, 2019 TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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

# Your Ad Could Be Here

in the Next Plat and Directory Publication.

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

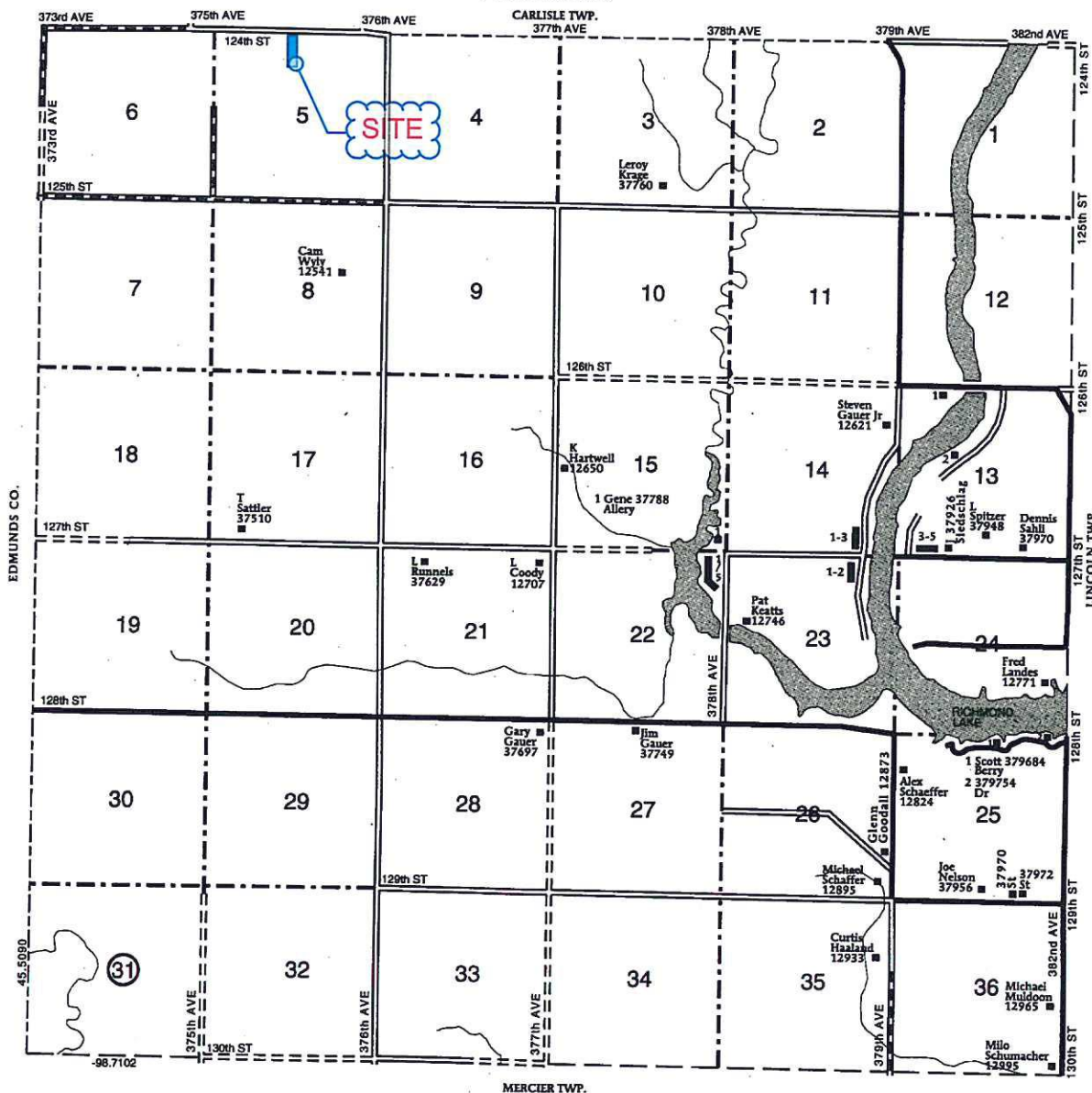
E-Mail [Info@farmandhomepublishers.com](mailto:Info@farmandhomepublishers.com)  
to get your business added to the next year's publication

T-124-N

## RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgaster, 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 *August 20, 2019 at 7:00 P.M.* for a Variance to minimum Lot size required in an Agriculture Preservation District (AG-P).

Petitioner & owner: *Doris Conn*

Description of property: Lot 1, "Cully Conn Subdivision" in the NW1/4 of Section 5-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37545 124<sup>th</sup> Ave.)

Reason: *Variance to minimum lot size in an Agriculture Preservation District (AG-P) to have Lot 1 (17.87 acres) be smaller than 40 acres and stay zoned as AG-P District. This lot meets the "family farm" requirements for agriculture.*

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

*Dated this 9th day of August 2019*

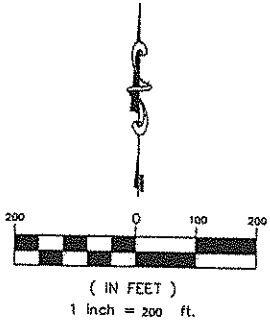
Planning/Zoning Commission and  
Scott Bader – P&Z Director  
25 Market St., Suite #5  
Aberdeen, SD 57401  
Office: (605) 626-7144

Published once at the total approximate cost of \_\_\_\_\_.



A-7335

# PLAT OF CULLY CONN SUBDIVISION IN THE NW 1/4 OF SECTION 5-T124N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

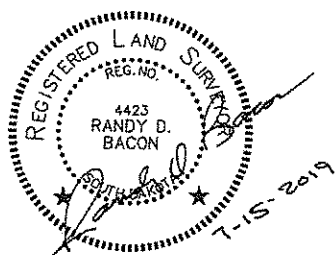
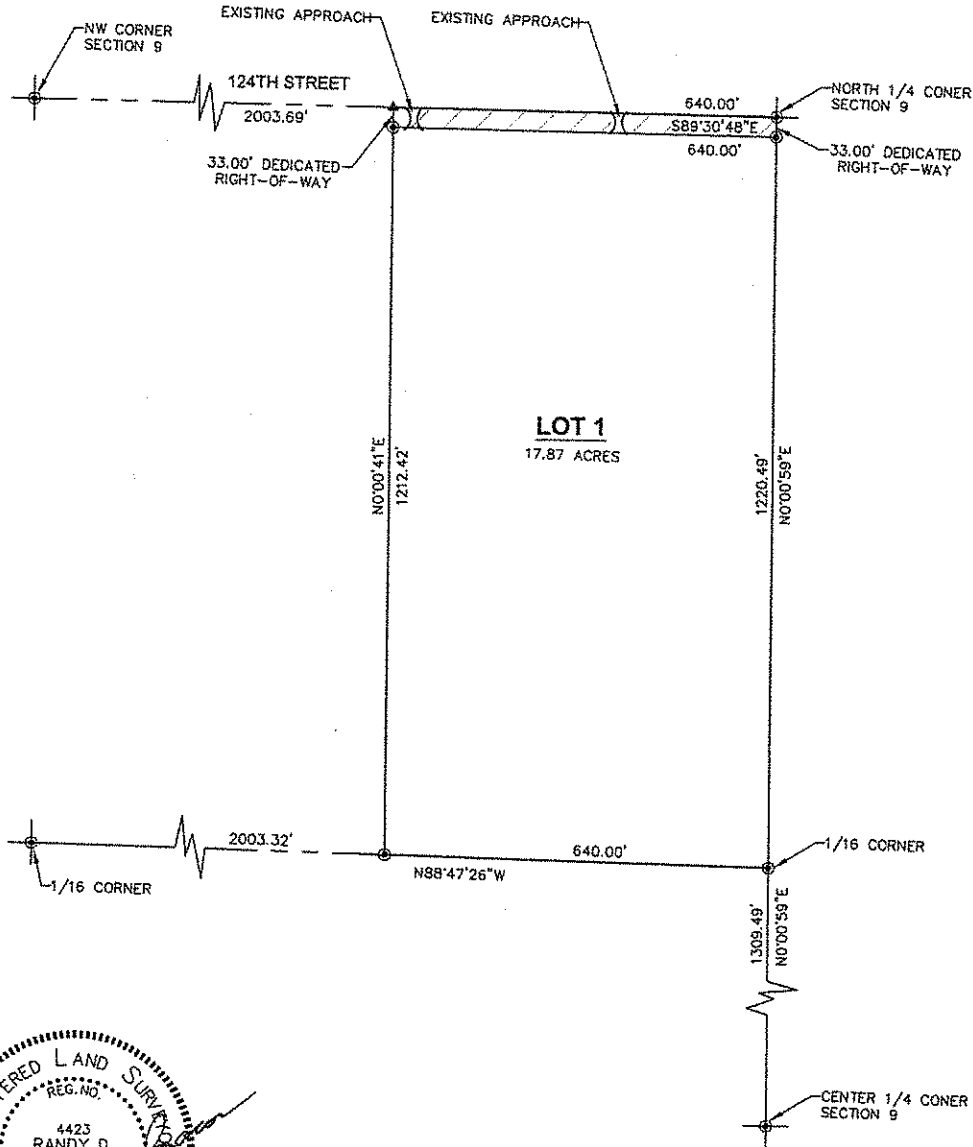


### LEGEND

- ⊙ SET 5/8" X 18" REBAR WITH SURVEY  
CAP STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

### BASIS OF BEARINGS

TRUE MERIDIAN GPS



**Helms & Associates**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 221 Brown County Highway 19  
 P.O. Box 111  
 Aberdeen, S.D. 57401  
 Phone: 605.325.1212  
 Fax: 605.325.3169

PLAT OF

A-7335

**CULLY CONN SUBDIVISION IN THE NW 1/4 OF SECTION 5-T124N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF DORIS K. CONN AS OWNERS, AND UNDER HER DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JULY 5, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5--T124N--R65W 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 15 DAY OF July 2019

Randy D. Bacon  
RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5--T124N--R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 5 DAY OF August 2019

Doris K. Conn  
DORIS K. CONN

ACKNOWLEDGEMENT

STATE OF South Dakota  
COUNTY OF Brown )SS

ON THIS THE 5 DAY OF August 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DORIS K. CONN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Sara Susler

NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: \_\_\_\_\_  
MY COMMISSION EXPIRES NOVEMBER 6, 2019

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 CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5--T124N--R65W 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

PLAT OF

A-7335

**CULLY CONN SUBDIVISION IN THE NW 1/ 4 OF SECTION  
5-T124N-R65W OF THE 5th P.M.,  
BROWN COUNTY, 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 CULLY CONN SUBDIVISION IN THE NW1/4 OF SECTION 5-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

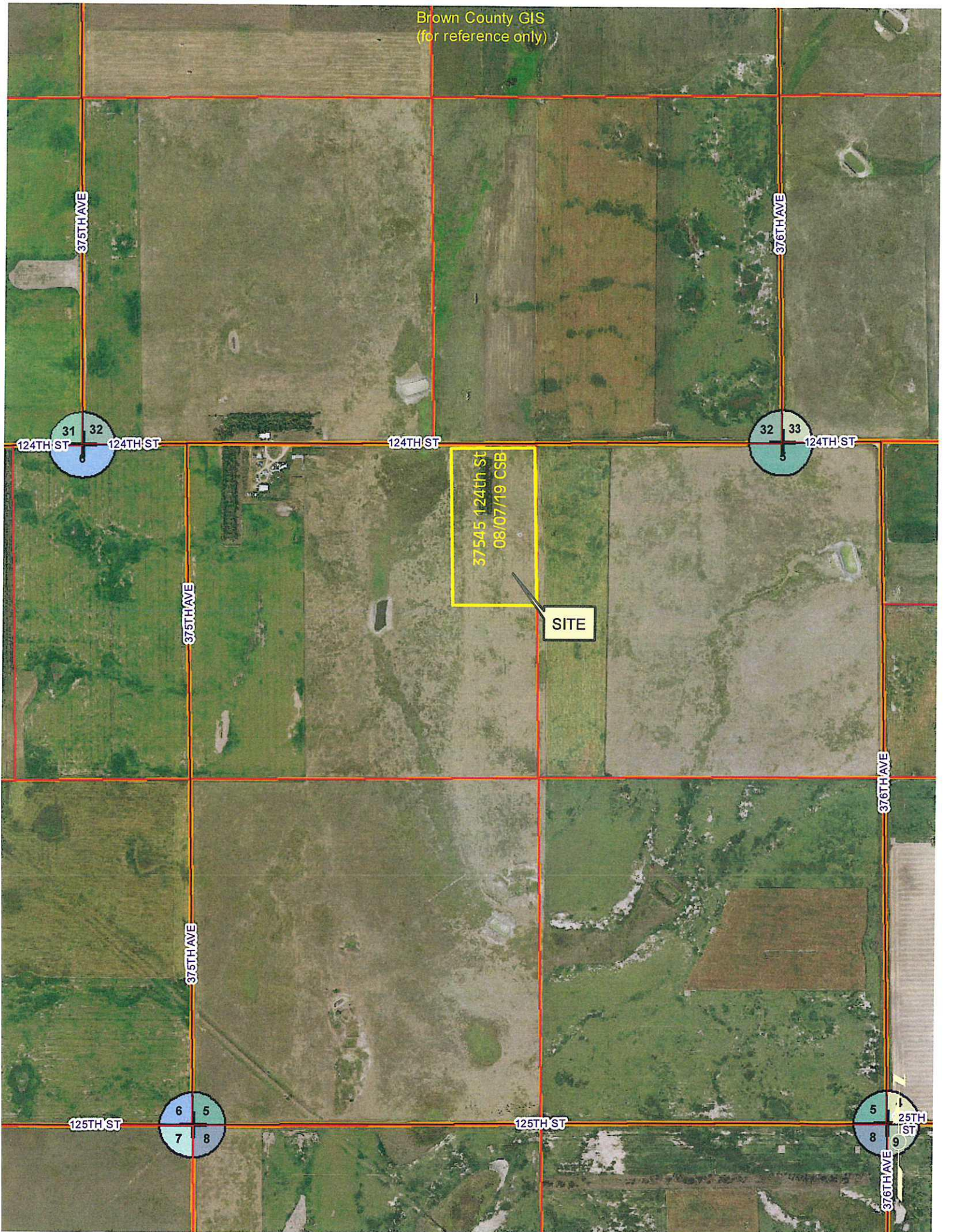
\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS CERTIFICATE

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

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Brown County GIS  
(for reference only)



37545 124th St  
08/07/19 CSB

SITE

375TH AVE

376TH AVE

124TH ST

124TH ST

124TH ST

375TH AVE

376TH AVE

375TH AVE

125TH ST

125TH ST

125TH ST

376TH AVE



Brown County GIS  
(for reference only)

124TH ST

SITE

37545 124th St  
08/07/19 CSB





# STAFF REPORT

August 20, 2019

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## PRELIMINARY & FINAL PLAT

ITEM # 15

---

### GENERAL INFORMATION:

PETITIONER: Prairie Hill Farms

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Prairie Hill Farms Second Subdivision" in the SW1/4 of Section 11-T124N-R62W of the 5th P.M., Brown County, South Dakota

LOCATION: 39805, 39814 & 39816 126<sup>th</sup> Street

EXISTING ZONING: "in progress" Mini Agriculture District (M-AG)

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 changing previous property lines for new owner.

REVIEW: Staff has reviewed this Preliminary and Final Plat and acknowledges that they have existing access to the Section Line of 10-11.

**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME "Prairie Hill Farms Second Subdivision"

QUARTER: SW SECTION: 11 TOWNSHIP: 121 RANGE: 62

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

OWNERS NAMES: Prairie Hill Farms LLC

OWNERS NAMES: \_\_\_\_\_

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Randy Bacon - Helms Engineering

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH X

FEE: \$25.00 ACRES x \$1.00 38 TOTAL: \$ 63.00 DATE PAID: \_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_\_

RECEIVED BY PLANNING DEPARTMENT: 06 / 03 /20 19 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE X FINANCIAL PURPOSES X 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. X BEARINGS & DISTANCES SHOWN TO "CLOSE" X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

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 \_\_\_\_\_

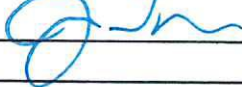


# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: August 8th 2019  
RECEIPT # 132178  
TOWNSHIP: Cambria Twp

FEES: 100.00  
PAID: YES/NO CHK/CASH  
DATE: 08/02/19

OWNERS SIGNATURE:  Prairie Hills Farms, LLC  
OWNERS ADDRESS: P.O. Box 13559  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-216-6002

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Prairie Hill Farms Second Subdivision" in the SW1/4 of  
Section 11-T124N-R62W of the 5th P.M., Brown County, South Dakota  
(39805, 39814 & 39816 126th Street).

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: August 20, 2019 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



# WE'VE JUST MADE OUR PLAT & DIRECTORIES SO MUCH MORE USER FRIENDLY

Electronic Versions Available from Your Sales Representatives  
or Our Website...  
[www.farmandhomepublishers.com](http://www.farmandhomepublishers.com)

- ✓ Flip through the electronic version.
- ✓ Advertisers receive the copyright and licensing of maps until the next publication is printed. You can crop any area of interest for your website, emails or advertising needs.
- ✓ Print pages as needed.
- ✓ Bookmark pages of the publication.
- ✓ Add sticky notes to specific areas of each map or alpha page.
- ✓ View single or double page layout.
- ✓ Use search box to find names of landowners or rural residents listed within each publication.

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

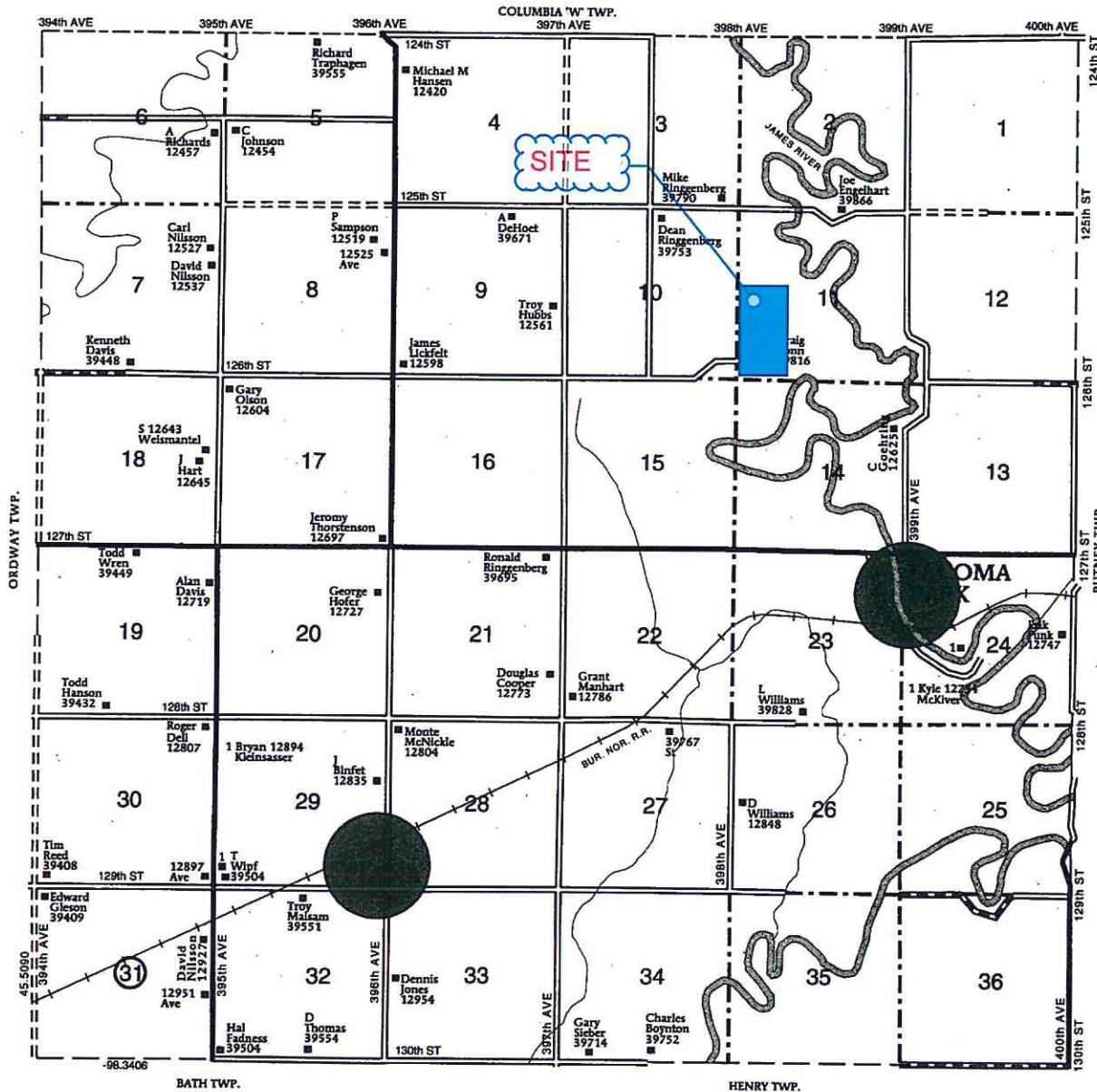
524 River Ave. North  
Belmond, IA 50421  
800-685-7432

T-124-N

## CAMBRIA DIRECTORY

(Residents - Owners or Porters)

R-62-W



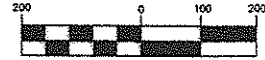
PLAT OF

A-7285

**PRAIRIE HILL FARMS SECOND SUBDIVISION  
IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

**LEGEND**

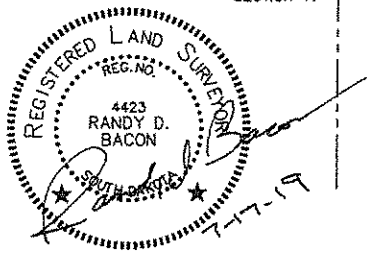
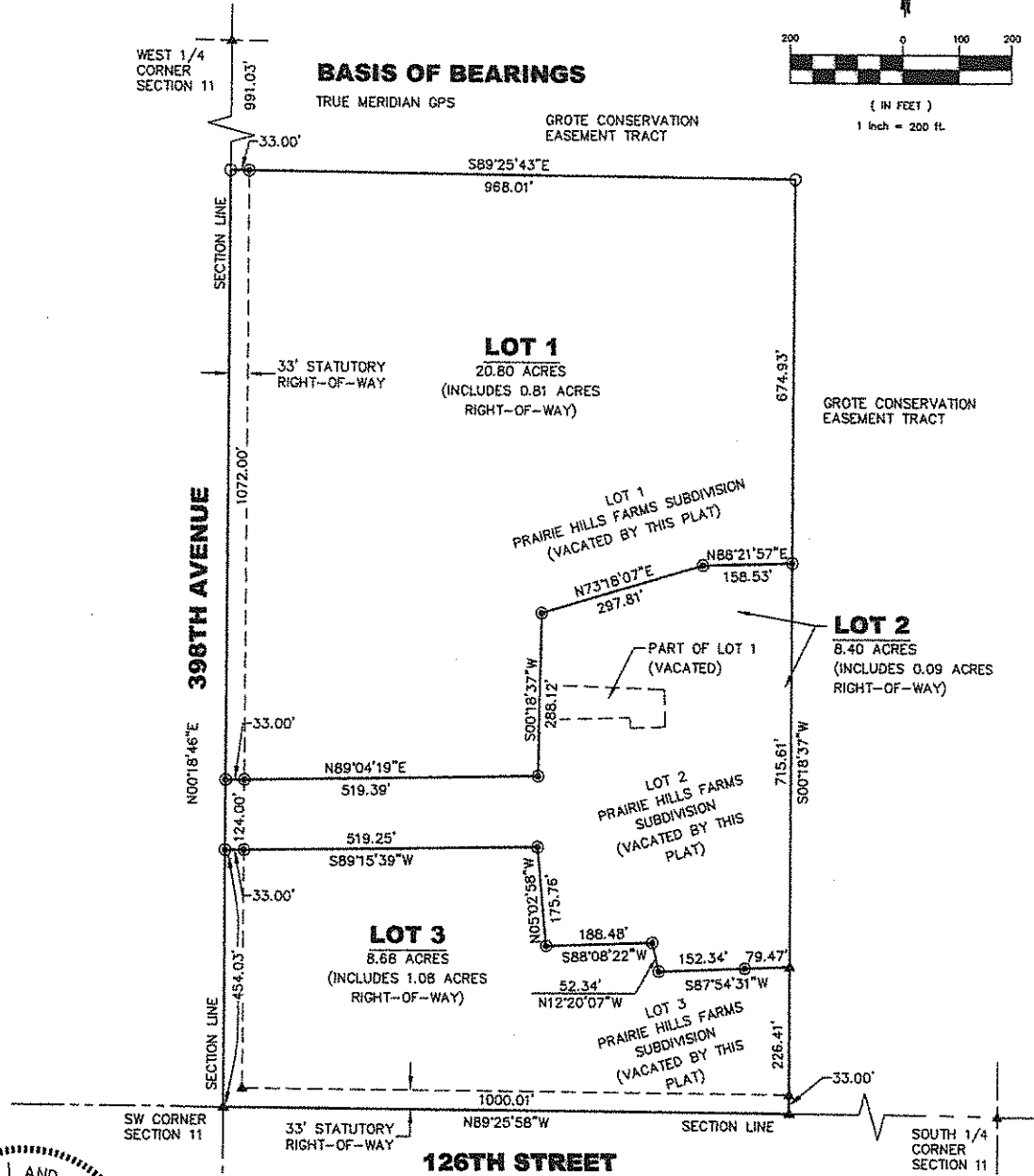
- FOUND PROPERTY CORNER  
ALUMINUM CAP RLS #4792
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY  
CAP STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION IN WATER



( IN FEET )  
1 inch = 200 ft.

**BASIS OF BEARINGS**

TRUE MERIDIAN GPS



**Helm & Associates**  
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County  
Highway 19  
P.O. Box 511  
Aberdeen, S.D. 57401  
Phone: 605.225.1212  
Fax: 605.225.3189

**PRAIRIE HILL FARMS SECOND SUBDIVISION  
IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

**SURVEYOR'S CERTIFICATE**

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, AND SARA J. BONN AND CRAIG M. BONN AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 27, 2019, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: PRAIRIE HILL FARMS SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.  
I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 17 DAY OF July, 2019

Randy D. Bacon  
RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

**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; LOT 1 AND LOT 2 OF PRAIRIE HILL FARMS SUBDIVISION, OWNER-PRAIRIE HILL FARMS L.L.C. AND LOT 2 OF PRAIRIE HILL FARMS SUBDIVISION, OWNER-SARA J. BONN AND CRAIG M. BONN, 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 PRAIRIE HILL FARMS SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 11-T124N-R62W 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 1st DAY OF August, 2019

**FORMERLY DESCRIBED:** LOT 1, LOT 2, AND LOT 3, OF PRAIRIE HILL FARMS SUBDIVISION IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5TH P.M.

PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY

Sara J. Bonn  
SARA J. BONN  
Craig M. Bonn  
CRAIG M. BONN

BY: J. In  
TITLE: Partner

**DECLARATION OF VACATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF PRAIRIE HILL FARMS SUBDIVISION, AS PLAT NO. 3561, ON JUNE 25, 2019 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE. THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 1st DAY OF August, 2019

PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY

BY: J. In  
TITLE: Partner

Sara J. Bonn  
SARA J. BONN  
Craig M. Bonn  
CRAIG M. BONN

**ACKNOWLEDGEMENT**

STATE OF South Dakota  
COUNTY OF Brown )SS

ON THIS THE 1st DAY OF August, 2019, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SARA J. BONN AND CRAIG M. BONN 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.



Ruth A. Nelson  
NOTARY PUBLIC, South Dakota STATE  
MY COMMISSION EXPIRES: 1/25/2020

**ACKNOWLEDGEMENT**

STATE OF South Dakota  
COUNTY OF Brown )SS

ON THIS THE 1st DAY OF August, 2019, BEFORE ME, Ruth A. Nelson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED James L. Thores OF PRAIRIE HILL FARMS L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, AND THAT HE/SHE, AS SUCH Partner, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE LIMITED LIABILITY BY HIMSELF/HERSELF AS Partner IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



Ruth A. Nelson  
NOTARY PUBLIC, South Dakota STATE  
MY COMMISSION EXPIRES: 1/25/2020

PLAT OF

A-7285

**PRAIRIE HILL FARMS SECOND SUBDIVISION  
IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA**

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING PRAIRIE HILL FARMS SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING PRAIRIE HILL FARMS SECOND SUBDIVISION IN THE SW 1/4 OF SECTION 11-T124N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

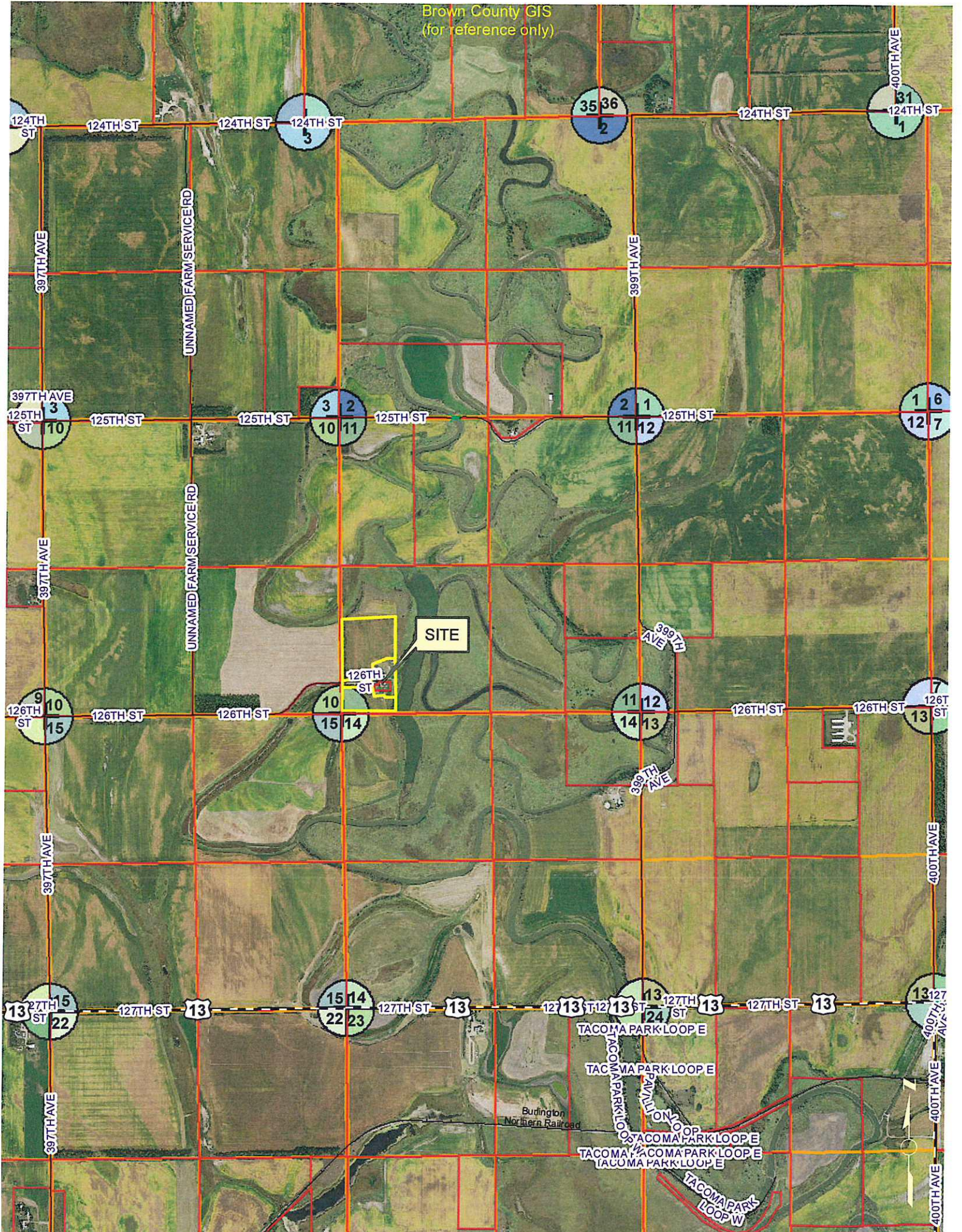
REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, AND DULY RECORDED AS

PLAT NO. \_\_\_\_\_

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Brown County GIS  
(for reference only)



SITE

UNNAMED FARM SERVICE RD

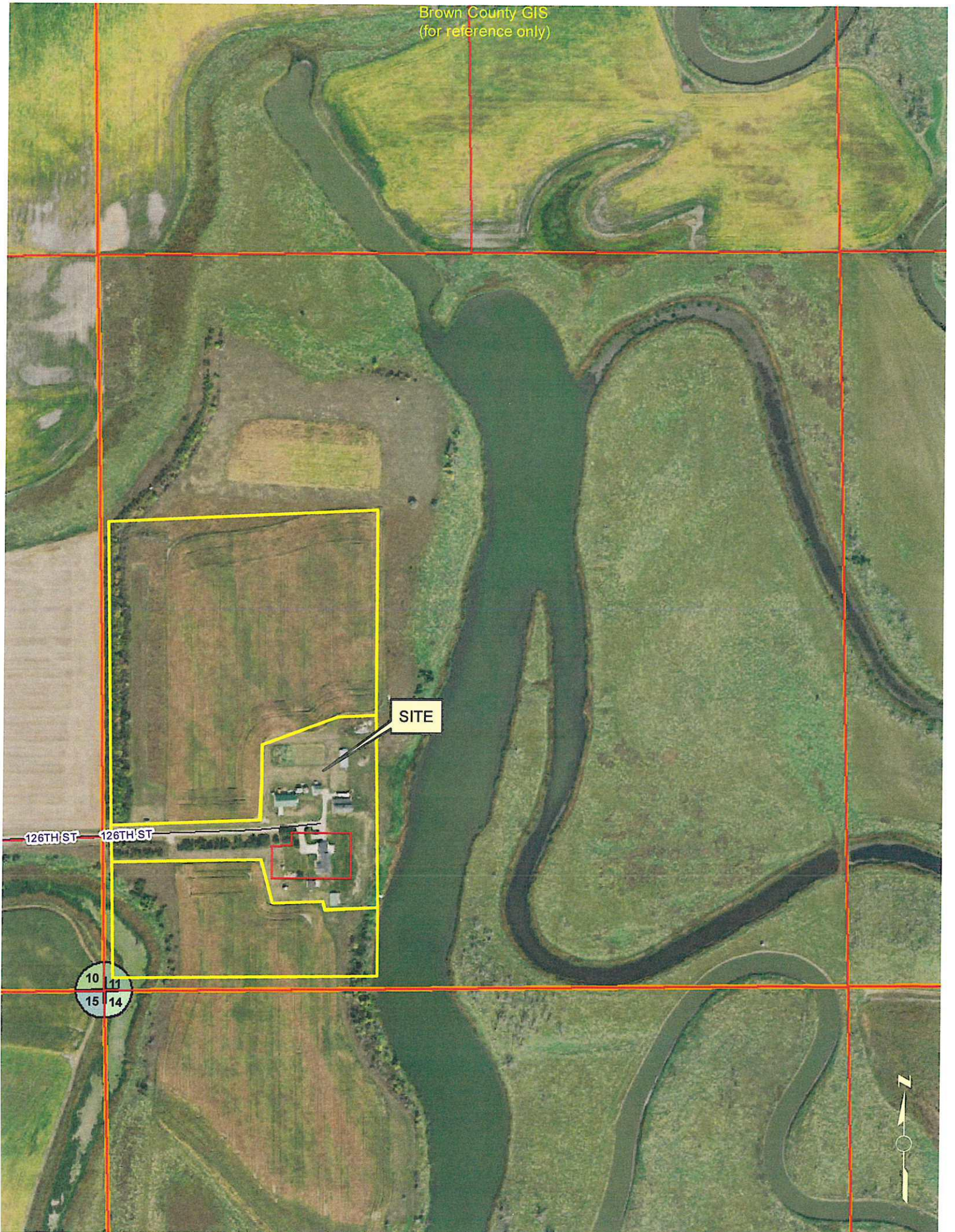
UNNAMED FARM SERVICE RD

TACOMA PARK LOOP E  
TACOMA PARK LOOP E  
TACOMA PARK LOOP E  
TACOMA PARK LOOP E  
TACOMA PARK LOOP E  
TACOMA PARK LOOP W

Budington  
Northern Railroad



Brown County GIS  
(for reference only)



SITE

126TH ST 126TH ST

10 11  
15 14







# STAFF REPORT

August 20, 2019

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COMPREHENSIVE PLAN REVIEW

ITEM # 16

---

## GENERAL INFORMATION

PETITIONER                      Brown County Planning/Zoning

REQUEST                         **Update Comp Plan**

EXISTING PLAN                 Comp Plan last Updated in 1988

### SURROUNDING ZONING

North:

South:

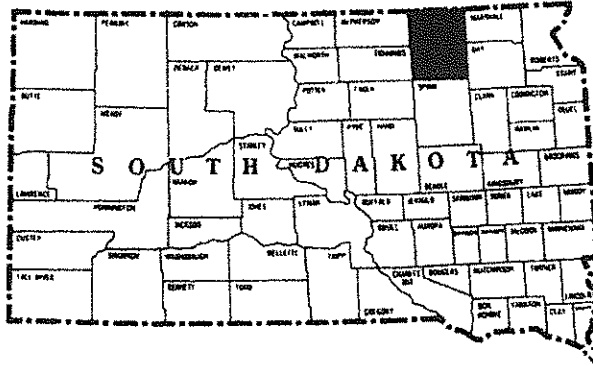
East:

West:

REPORTED BY                 Scott Bader

GENERAL COMMENT: This is a draft of the Comprehensive Plan open for discussion and review to the public and the Planning/Zoning Commission

REVIEW: Staff has updated this Comprehensive Plan to bring the plan current with information and regulations that meet the needs of Brown County in the future.



R-65-W	R-64-W	R-63-W	R-62-W	R-61-W	R-60-W
Palmyra Pages 94-95	Osceola Pages 92-93	Savo Pages 108-109	Liberty Pages 78-79	Hecla Pages 66-67	Portage Pages 96-97
Allison Pages 26-27	Frederick Pages 52-53	Richland Pages 104-105	Greenfield Pages 62-63	Lansing Pages 76-77	North Detroit Pages 86-87
Franklyn Pages 50-51	Oneota Pages 88-89	Brainard Pages 32-33		Shelby Pages 110-111	South Detroit Pages 112-113
Carlisle Pages 36-37	Westport Pages 120-121	Garland Pages 56-57	Columbia 'W' Pages 44-45	Columbia 'E' Pages 42-43 Claremont 'W' Pages 40-41	Claremont 'E' Pages 38-39
Ravinia Pages 102-103	Lincoln Pages 80-81	Ordway Pages 90-91 Prairiewood Village 98-99	Cambria Pages 34-35	Putney Pages 100-101	Riverside Pages 106-107
Mercier Pages 82-83	Aberdeen Pages 24-25	Bath Pages 30-31	Henry Pages 68-69	Groton Pages 64-65	
Highland Pages 70-71	Warner 'N' Pages 114-115	Gem 'W' Pages 60-61	Gem 'E' Pages 58-59	West Hanson Pages 118-119	East Hanson Pages 46-47
New Hope Pages 84-85	Warner 'S' Pages 116-117	West Rondell Pages 122-123	East Rondell Pages 48-49	Garden Prairie Pages 54-55	Bates Pages 28-29

