

AGENDA

REGULAR SCHEDULED MEETINGS

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, April 19, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM

- I. **Call to Order:** for Brown County Planning/Zoning Commission
- II. **Roll Call:** David North - Vice Chair, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, Brown County Commissioner Mike Gage and Chairman Stan Beckler. Also in attendance for today's meeting are Scott Bader – Planning/Zoning Director and Chris Anderson.
- III. **Minutes:** March 15, 2022, Motion: 1st _____ 2nd _____
- IV. **Old Business:**
 1. **Sign-up sheet:** On the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
 2. **Permits:** Anyone present for a *Variance Request or Conditional Use Petition* to the Zoning Board of Adjustment (BOA) is still required to get a Building Permit, Zoning Permit, Floodplain Permit (FPDP), or Use Permit, from the Zoning Office before starting their project if their request is approved. Penalties may be assessed when starting their project without proper permits in-place.
- V. **New Business:** Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).
 1. **Conditional Use Petition (CUP)** in a Highway Commercial District (HC) described as Proposed Lot 1, "Auditor's Subdivision", in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281, Aberdeen, SD 57401, Aberdeen Twp).
 2. **Variance to Building Setbacks** in a Highway Commercial District (HC) described as Proposed Lot 1, "Auditor's Subdivision", in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281, Aberdeen, SD 57401, Aberdeen Twp).
 3. **Variance to Building Setbacks** in a Highway Commercial District (HC) described as Lot B, "Weismantel's First Subdivision of Lot 1", Except the North 12' thereof, of "Jenkins' Subdivision" in the E1/2 of the SE1/4 of Section 18-T123N-R62W, of the 5th P.M., Brown County, South Dakota (39494 133rd Street, Bath, SD 57427, Bath Twp).
 4. **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as the N1/2 of the NW1/4 of Section 28-T124N-R63W, of the 5th P.M., Brown County, South Dakota (12810 390th Avenue, Aberdeen, SD 57401, Ordway Twp.)
 5. **Conditional Use Petition (CUP)** in Heavy Industrial District (H-I) described as "Hedges' Outlot 1" in the NE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38480 W Hwy 12, Aberdeen, SD 57401, Aberdeen Twp).

6. **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as The SW1/4 of Section 21-T127N-R60W of the 5th P.M., Brown County, South Dakota (SD Hwy 10 & 408th Avenue; North Detroit Twp). This item moved to the May 17, 2022 Planning/Zoning Commission meeting.

VI. **Other Business:** Completed as Zoning Board of Adjustment (BOA) & going to Planning Commission

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, April 19, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM

I. **Old Business:**

1. **Amendment Discussion to Brown County Ordinance Title 4** for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are Tabled to May 17, 2022 monthly meeting at the request of the States Attorney Office.

II. **New Business:** *Brown County Planning/Zoning Commission as Planning Commission*

10. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as “Boesl Addition” in the SE1/4 of the SE1/4 of Section 32-T122N-R63W of the 5th P.M., Brown County, South Dakota (38980 142nd Street, Warner, South Dakota 57479, Gem Twp.).
11. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Proposed Lot 1, “Bauer-Edwards First Addition” in the SW1/4 of Section 10-T123N-R65W of the 5th P.M., Brown County, South Dakota (37748 132nd St., Aberdeen, South Dakota 57401, Mercier Twp.).
12. **Final Plat** for a property described as “Bauer-Edwards First Addition” in the SW1/4 of Section 10-T123N-R65W of the 5th P.M., Brown County, South Dakota (37748 132nd St., Aberdeen, South Dakota 57401, Mercier Twp.).
13. **Preliminary & Final Plat** for a property described as “Papa Subdivision” in Stratford, South Dakota, located in the SW1/4 of Section 4-T121N-R62W of the 5th P.M., Brown County, South Dakota (Stratford, SD, E Rondell Twp).
14. **Preliminary Plat** for a property described as “Prairie Point First Elm Lake Addition”, in the S1/2 of the SE1/4 of Section 8-T128N-R65W of the 5th P.M., Brown County, South Dakota (10191 376th Avenue, Palmyra Twp.).
15. **Preliminary & Final Plat** for a property described as “Severson-Lefor First Addition” in the NE1/4 of Section 34-T123N-R64W of the 5th P.M., Brown County, South Dakota 57401 (1929 135th Street SW, Aberdeen, SD, Palmyra Twp.).

III. **Other Business:**

IV. **Motion to Adjourn:** 1st _____ 2nd _____

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, MARCH 15, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler-Chairman. Absent was Patrick Keatts. Also present for the meeting were Planning Technicians Ron Keller and Chris Anderson from the Planning/Zoning Office
- III. **Meeting:** This meeting was conducted in the basement Community Room using recommended social distancing protocol for spacing chairs in the audience area, and Board Member table & chairs as much as possible based on number of agenda items and expected number of people.
- IV. **Minutes:** After discussion about previous months Minutes, Kurth moved and North seconded to approve the February 15, 2022, Minutes for the Zoning Board of Adjustment (BOA) and Planning Commission monthly meetings. All members voted aye; the motion carried.
- V. **Old Business:**
 1. **Sign-up Sheet:** at the door entrance on a table for anyone wants to speak on Agenda Item.
 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition to the Zoning Board of Adjustment (BOA) *IS STILL REQUIRED* to get their required PERMITS from the Zoning Office before starting their project if their request gets approved tonight.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
 1. **Variance request for Lot Size** in an Agriculture Preservation District (AG-P) described as: Proposed Lots 1&2, "A Mitchell Addition" in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota (37356 & 37380 144th Street, Mansfield, SD; New Hope Twp). Submitted by Larry & Sharon M. Stroschein Family LP. Nobody was present for this item. Following discussion on FoF, North moved, and Meyers seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Meyers seconded to **approve the variance to lot size** for Lot 1 to be 10.00 acres and Lot 2 to be 30.07 acres rather than the minimum 40 acres required in an AG-P District, all members voting aye, motion carried.

2. **Conditional Use Petition (CUP)** in a Heavy Industrial District (HI) described as Lot 1, "Browning First Addition" in the NW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (717 S 385th Avenue, Aberdeen, SD 57401; Aberdeen Twp). Submitted by DSC Properties. Present for this item was Ryan Siefkes. Following discussion on FoF, Kurth moved, and Gage seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved and Gage seconded to **approve the conditional use petition**, all members voting aye, motion carried.
3. **Conditional Use Petition (CUP)** in a Heavy Industrial District (HI) described as Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota. (4302 Schipke Lane; Aberdeen, SD, Aberdeen Twp). Submitted by Cory Foerster. Ben Stenton was in attendance for this item. Discussion about fire walls, snow removal and drainage took place. Stenton assured the Board that these items will be addressed on the building plans. Following discussion on FoF, North moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Bettmann seconded to **approve the conditional use petition** in a Heavy Industrial District (HI), all members voting aye, motion carried.
4. **Variance request to Building Setbacks** in a Heavy Industrial District (HI) described as as Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota. (4302 Schipke Lane; Aberdeen, SD, Aberdeen Twp). Submitted by Cory Foerster. Ben Stenton was in attendance for this item. Following discussion on FoF, Gage moved, and Kurth seconded to **approve the finding of facts** as presented. Also following discussion Gage moved, and Kurth seconded to **approve the variance for building setbacks** to be 25' from the front setback rather than the 100' required in a Heavy Industrial District (HI), all members voting aye, motion carried.
5. **Variance request for Lot Size** in Agriculture Preservation District (AG-P) described as: Proposed Lot 1, "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue, Groton, SD 57445; Riverside Twp.) Submitted by Robert Howard. Nobody was present for this item. Following discussion on FoF, Meyers moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Meyers moved, and North seconded to **approve the variance to lot size** for Lot 1 to be 4.89 acres rather than the minimum 40 acres required in an AG-P District, all members voting aye, motion carried.

VII. Other Business: None

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

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, MARCH 15, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE in the BASEMENT COMMUNITY ROOM

- I. **Old Business: Amendment Discussion to Brown County Ordinance Title 4** for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are Tabled to April 19, 2022, monthly meeting at the request of the States Attorney Office.

- II. **New Business: Planning Commission**
 10. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Lot 3, "Feickert's Second Subdivision" in the SE1/4 of Section 20-T124N-R64W of the 5th P.M., Brown County, South Dakota (12769 384th Avenue; Aberdeen, SD 57401; Lincoln Twp). Submitted by Troy Schaffer. Following discussion, Gage moved, Bettmann seconded to **recommend approval of the rezone** of this parcel to the Board of County Commissioners, all members voting aye, motion carried.

 11. **Preliminary & Final Plat** for a property described as "A Mitchell Addition" in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota (37356 & 37380 144th Street; New Hope Twp). Submitted by Larry & Sharon M. Stroschein Family LP. Following discussion, Meyers moved, North seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.

 12. **Preliminary & Final Plat** for a property described as "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue; Riverside Twp). Submitted by Jeff Howard. Following discussion Kurth moved, and Gage seconded to **recommend approval of this plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

 13. **Preliminary Plat** for a property described as "Bauer-Edwards First Addition" in the SW1/4 of Section 10-T124N-R65W of the 5th P.M., Brown County, South Dakota (37748 132nd Street; Mercier Twp). Submitted by Bill Edwards. Bill Edwards, Bryan Bauer and Stacy Bauer were in attendance for this item. Meyers suggested that the road be 66' wide to allow proper access. North moved, Gage seconded the motion to **recommend approval of this preliminary plat** and for a final plat to be brought before the Brown County Planning Commission next month for approval, all members voting aye, motion carried.

- III. **Other Business:**

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

Submitted by: Ron Keller & Chris Anderson - Planning & Zoning Department.

STAFF REPORT

April 19, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

Conditional Use Petition (CUP)

ITEM # 01

GENERAL INFORMATION:

PETITIONER: Aaron Bunke

REQUEST: **Conditional Use Petition (CUP)**

LEGAL DESCRIPTION: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Aberdeen Twp

LOCATION: 2932 S Hwy 281, Aberdeen, SD 57401

EXISTING ZONING: Highway Commercial District (HC)

SURROUNDING ZONING:

- North: Highway Commercial District (HC)
- South: Mini-Agriculture District (M-AG)
- East: Highway Commercial District (HC)
- West: Mini-Agriculture District (M-AG)

REPORTED BY: Chris Anderson

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) for (2) 32' x 175', (2) 32' x 105' and (1) 32' x 150' storage buildings in a Highway Commercial District (HC).

REVIEW: Staff has reviewed this request. The petitioner has a separate request for variances to setbacks from the east front yard and south front yard property lines. The City of Aberdeen has a front yard setback of 25' for a Commercial Zone which is what the lot to the north was approved for while in the City's jurisdiction.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: March 28, 2022 FEES: \$225.00
RECEIPT # 620648 PAID: YES/NO CHK/CASH
TOWNSHIP: Aberdeen Twp DATE: April 4, 2022

OWNERS SIGNATURE: Julie Meidinger *Julie Meidinger*
OWNERS ADDRESS: PO Box 1912
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-228-1373

AGENTS SIGNATURE: Aaron Bunke
AGENTS ADDRESS: 38605 142nd St
AGENTS CITY, STATE, ZIP: Warner, SD 57479
AGENTS PHONE: 605-228-1333

REQUEST: Special Exception/Conditional Use for (2) 32' x 175', (2) 32' x 105' and
(1) 32' x 150' storage buildings in a Highway Commercial District (HC).

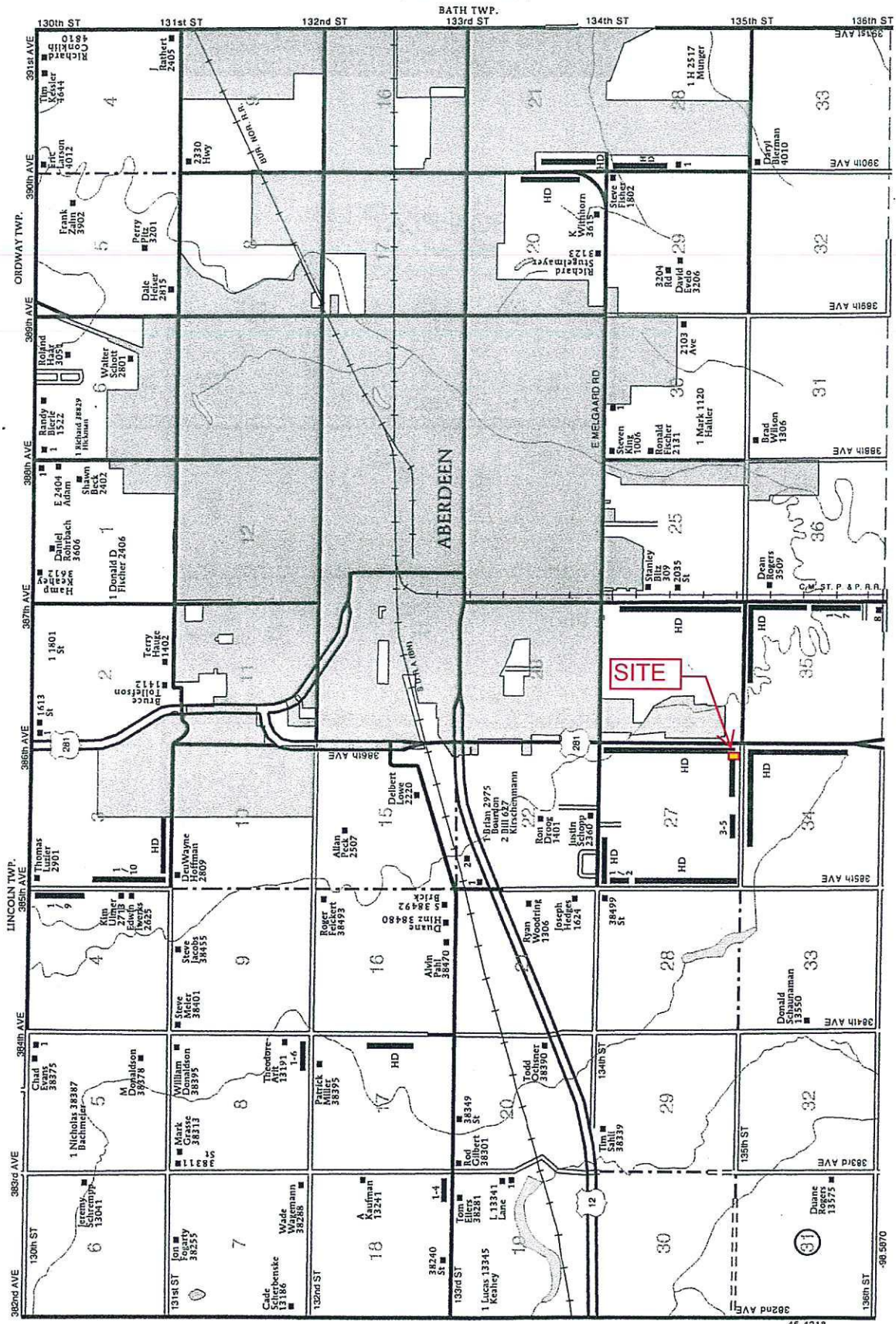
LEGAL DESCRIPTION: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section
27-T123N-R64W of the 5th P.M., Brown County, South Dakota
(2932 S Hwy 281; Aberdeen Twp.)

SIGNATURE: *Aaron Bunke*
4-4-22

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: April 19, 2022 TIME: 7:00 pm



SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

BATH TWP.

WARNER N' TWP.

MERCIER TWP.

45.4218

-98 5070

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Conditional Use Petition (CUP). A hearing will be held in the Brown County Courthouse Annex in the Basement Community Meeting Room on April 19, 2022, at 7:00 pm.

Petitioner: Aaron Bunke

Description of property: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281, Aberdeen, SD 57401).

Reason: Conditional Use Petition (CUP) for Storage Buildings in a Highway Commercial District (HC).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Conditional Use Petition (CUP).

Dated this *8th day of April 2022*

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

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Storage Buildings in Highway Commercial
Applicant:	Name Aaron Bunke • Address 38605 142nd St, Warner SD 57479
Landowner:	• Same
Legal Description:	Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota
Location:	2932 S Hwy 281, Aberdeen, SD 57401
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Highway Commercial District (HC)
Existing Land Use:	
Surrounding Zoning:	• Highway Commercial District (HC) / Mini-Agriculture District
Utilities:	
Ordinance:	
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception will OR will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS: Highway Commercial District (HC)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

Fit with Purpose of Zoning Ordinance and Relevant District? *(see statement of intent in ordinance)*

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Conditional Use has adequate ingress, egress and traffic flow.

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

Conditional Use has parking and has minimal effects to adjoining properties.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Conditional Use will have accommodations for refuse.

(d) Utilities, with reference to locations, availability, and compatibility;

Conditional Use has utilities available.

(e) Screening and buffering with reference to type, dimensions, and character;

Conditional Use has some screening on the north and west sides of the property.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

Sign and exterior lighting would have minimal effects to adjoining properties.

(g) Required yards and other open spaces;

Conditional Use requires a variance to setbacks for yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

Conditional Use is compatible with other properties in the district.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS *BCO 4.2402(5) (if any)*

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

Conditional Use would have a fire risk typical of a storage buildings.

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

Conditional Use would create minimal noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

Conditional Use would create minimal vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

Conditional Use should not generate any air pollution.

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

Conditional Use would create minimal odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

Conditional Use would create minimal glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

Conditional Use should not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

Conditional Use should not substantially increase the burden on sewer or water.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

The character of the neighborhood will not be altered.

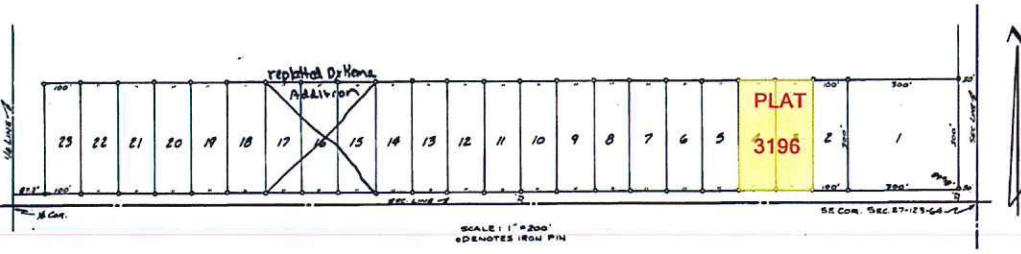
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should not adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.

Plat Showing
AUDITOR'S SUBDIVISION IN THE SE 1/4 OF SEC. 27-123-64
BROWN COUNTY, SOUTH DAKOTA



COUNTY AUDITOR'S CERTIFICATE

I hereby certify that, at the direction of the Commissioners of Brown County, South Dakota by resolution passed on the 22nd day of September, 1972, I have caused the land located in the south 333 feet of the Southeast Quarter of Section 27, Township 123 North, Range 64 West of the Fifth Principal Meridian, in Brown County, South Dakota to be surveyed and platted in accordance with Chapters 32-21-1, 2 and 3 of the 1967 Compiled Laws, which land shall hereafter be known and described as "Auditor's Subdivision in the SE 1/4 of Sec. 27, T. 123 N., R. 64 W."

Signed this 10 day of Dec, 1972. Bob Humphries
County Auditor, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that, at the direction of the County Auditor of Brown County, South Dakota, I have surveyed and platted "Auditor's Subdivision in the SE 1/4 of Sec. 27, T. 123 N., R. 64 W.," as shown on this plat, that I have set iron pins as indicated hereon, and that said survey and plat are true and correct.

Signed this 31st day of October, 1972. William D. Stellner
Registered Land Surveyor #990

State of South Dakota)
County of Brown)
On this 31st day of October, 1972, before me, a Notary Public, personally appeared William D. Stellner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires: _____
Notary Public
Notary Public, Brown County, South Dakota
Notary Public, Brown County, S. Dak.
My Commission Expires Aug. 12, 1973

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 14 day of Dec, 1972, at 10 o'clock A.M., and duly recorded in Book of Plats No. 21, in envelope 235 therein.

Thomas H. Kugel
Register of Deeds, Brown County, S. Dak.

Aaron Burke

N

Neighbors Units

Storage units

14 ft

175 ft

13 ft

32 ft

45 ft wide

175 ft

32 ft

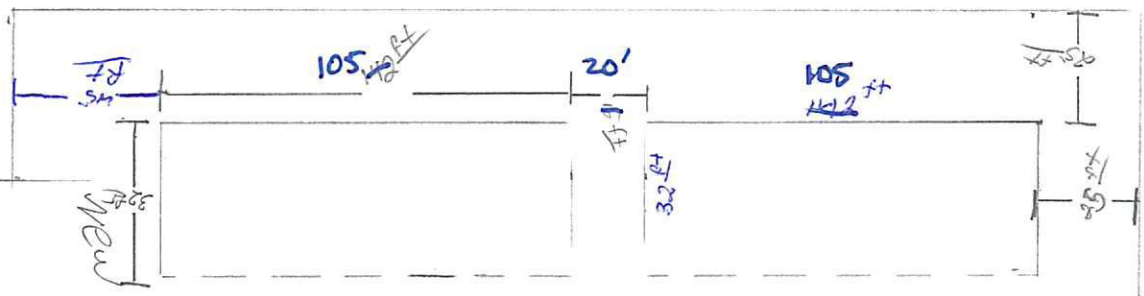
130 ft

150 ft

32 ft

281 Service Road

CO. Road



Approach

4.5 ft w/ culvert

New

14 ft

105 ft

20 ft

15 ft

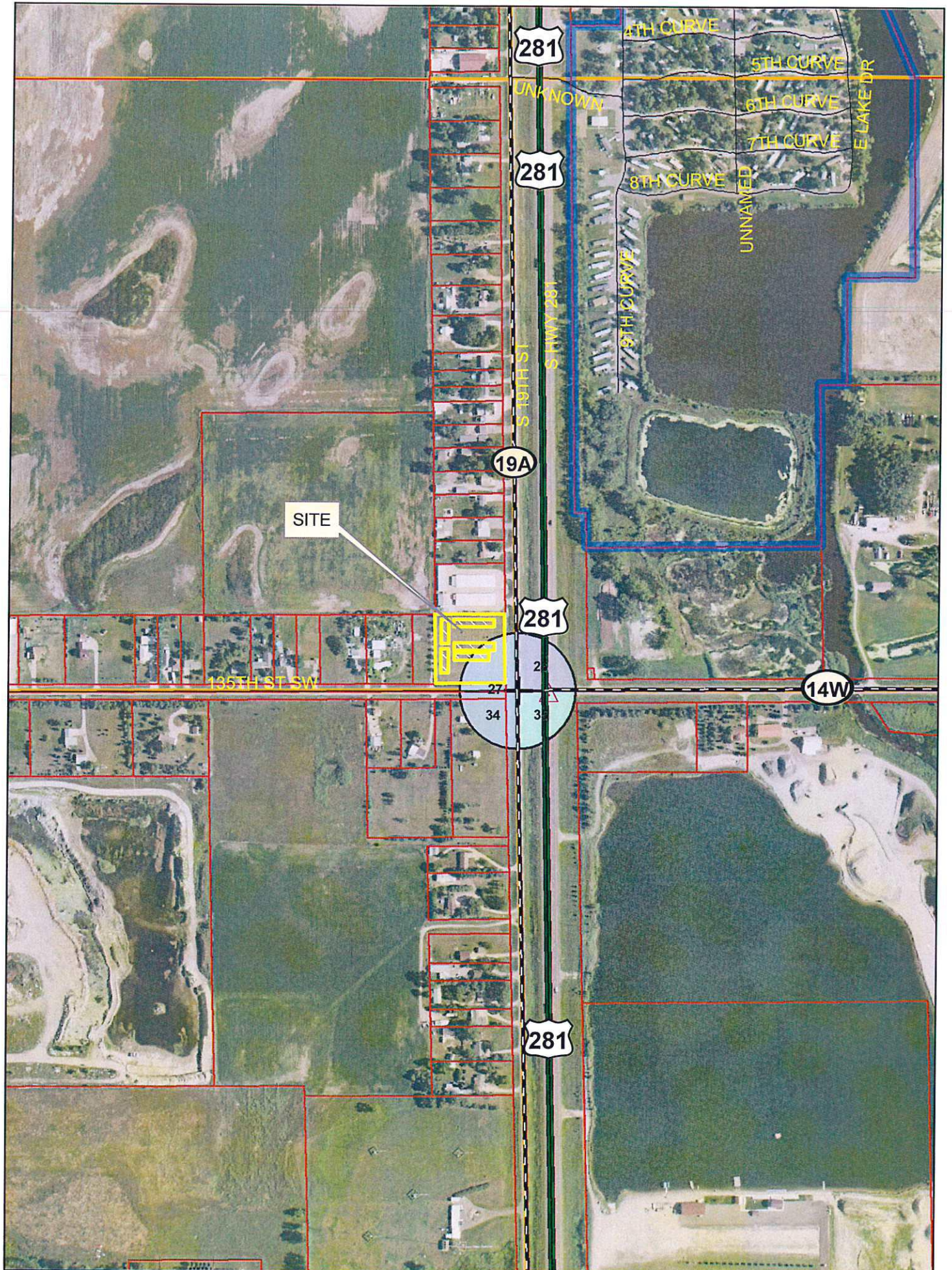
32 ft

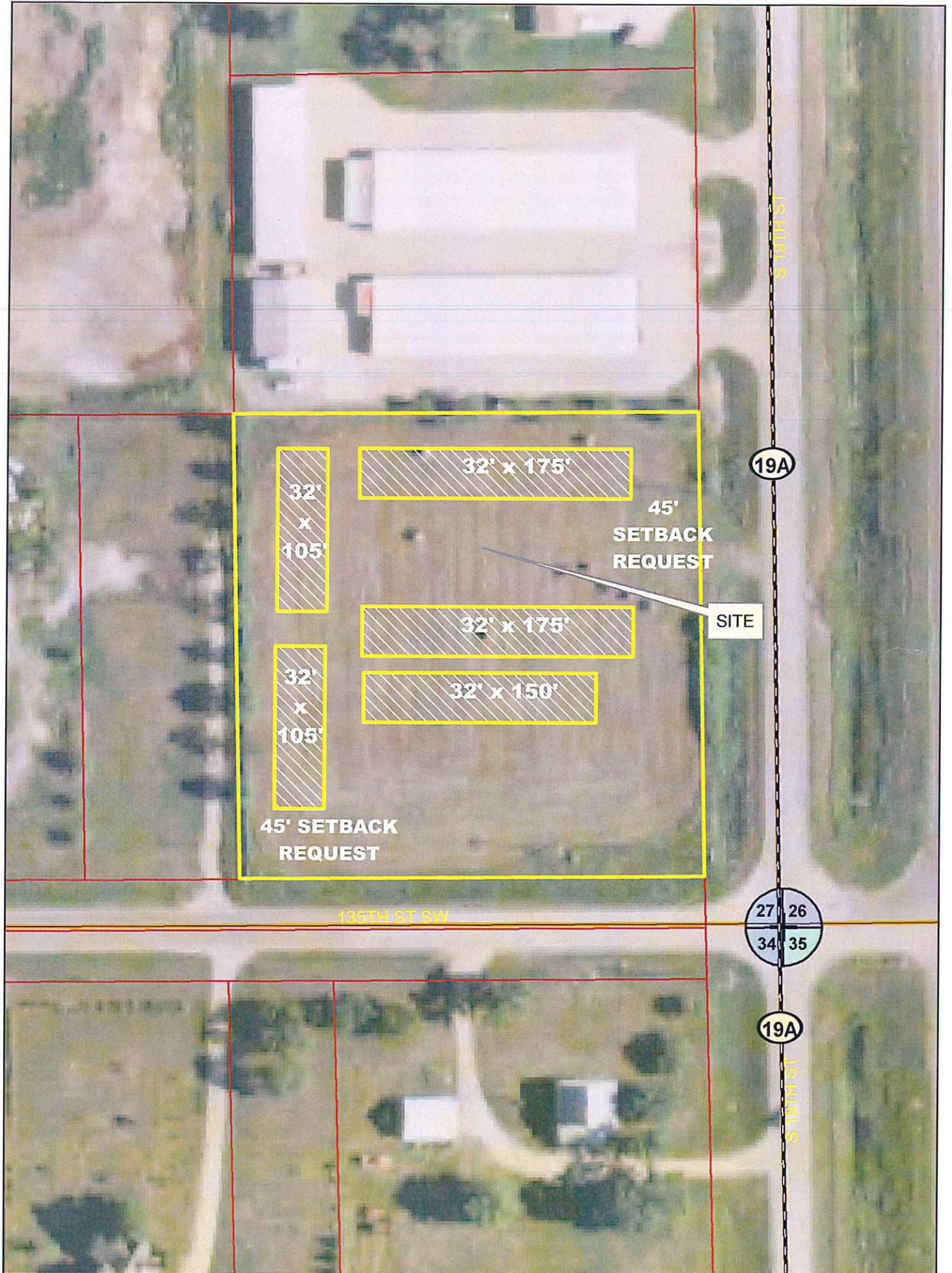
17 ft

12 ft

10 ft

15 ft





19A

SITE

32'
x
105'

32' x 175'

45'
SETBACK
REQUEST

32' x 175'

32'
x
105'

32' x 150'

45' SETBACK
REQUEST

136TH ST SW

27 26
34 35

19A

136TH ST SW

136TH ST SW

Julie Meidinger
PO Box 1912
Aberdeen SD 57402-1912

Brad Hales
250 Nesbitt Drive
Mina SD 57451

Aberdeen Township
C/O David Feickert
38382 132nd Street
Aberdeen SD 57401

Aaron Bunke
38605 142nd Street
Warner SD 57479

Arnold Huizenga
2815 385th Avenue N
Aberdeen SD 57401

Myron Lefor
1929 135th Street SW
Aberdeen SD 57401

Kenneth Jensen
2822 S Hwy 281
Aberdeen SD 57401

John Hieb
2818 S Hwy 281
Aberdeen SD 57401

Darwin Kane
1946 135th Street SW
Aberdeen SD 57401

Jeffrey Severson
1941 135th Street SW
Aberdeen SD 57401

Larry Hartze
3004 S Hwy 281
Aberdeen SD 57401

Molly Dahme
1304 N 3rd Street
Aberdeen SD 57401

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Conditional Use Petition (CUP). A hearing will be held in the Brown County Courthouse Annex in the Basement Community Meeting Room on April 19, 2022, at 7:00 pm.

Petitioner: Aaron Bunke

Description of property: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281, Aberdeen, SD 57401).

Reason: Conditional Use Petition (CUP) for Storage Buildings in a Highway Commercial District (HC).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Conditional Use Petition (CUP).

Dated this 8th day of April 2022

Planning/Zoning
Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total
approximate cost of \$16.48

April 8, 2022 7145703

STAFF REPORT

April 19, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM # 02

GENERAL INFORMATION:

PETITIONER: Aaron Bunke

REQUEST: **VARIANCE TO BUILDING SETBACKS**

LEGAL DESCRIPTION: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W, of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Aberdeen Twp

LOCATION: 2932 S Hwy 281

EXISTING ZONING: Highway Commercial District (HC)

SURROUNDING ZONING:

North:	Highway Commercial District (HC)
South:	Mini-Agriculture District (M-AG)
East:	Highway Commercial District (HC)
West:	Mini-Agriculture District (M-AG)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a Highway Commercial District (HC) to have the east and south front setbacks be 45' rather than 100' as required for five (5) storage buildings.

REVIEW: Staff has reviewed this request. The City of Aberdeen Ordinance for Highway Commercial (C-2) was 45' Front Setback when this area was platted. Structures on the neighboring lot to the north are at a 45' front setback. Brown County Ordinance for Highway Commercial District (HC) requires a minimum Front Yard Setback of 100'.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: March 28, 2022
RECEIPT # 620648
TOWNSHIP: Aberdeen Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: April 4, 2022

OWNERS SIGNATURE: Julie Meidinger *Julie Meidinger*
OWNERS ADDRESS: PO Box 1912
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57402
OWNERS PHONE: 605-228-1373

AGENTS SIGNATURE: Aaron Bunke *Aaron Bunke*
AGENTS ADDRESS: 38605 142nd St
AGENTS CITY, STATE, ZIP: Warner, SD 57479
AGENTS PHONE: 605-228-1333

REQUEST: Variance to Building Setbacks in a Highway Commercial District (HC)
to have the east and south front setbacks be 45' rather than 100' as required
for 5 storage buildings.

LEGAL DESCRIPTION: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section
27-T123N-R64W of the 5th P.M., Brown County, South Dakota
(2932 S Hwy 281; Aberdeen Twp.)

Planning Commission Action: Approved / Denied

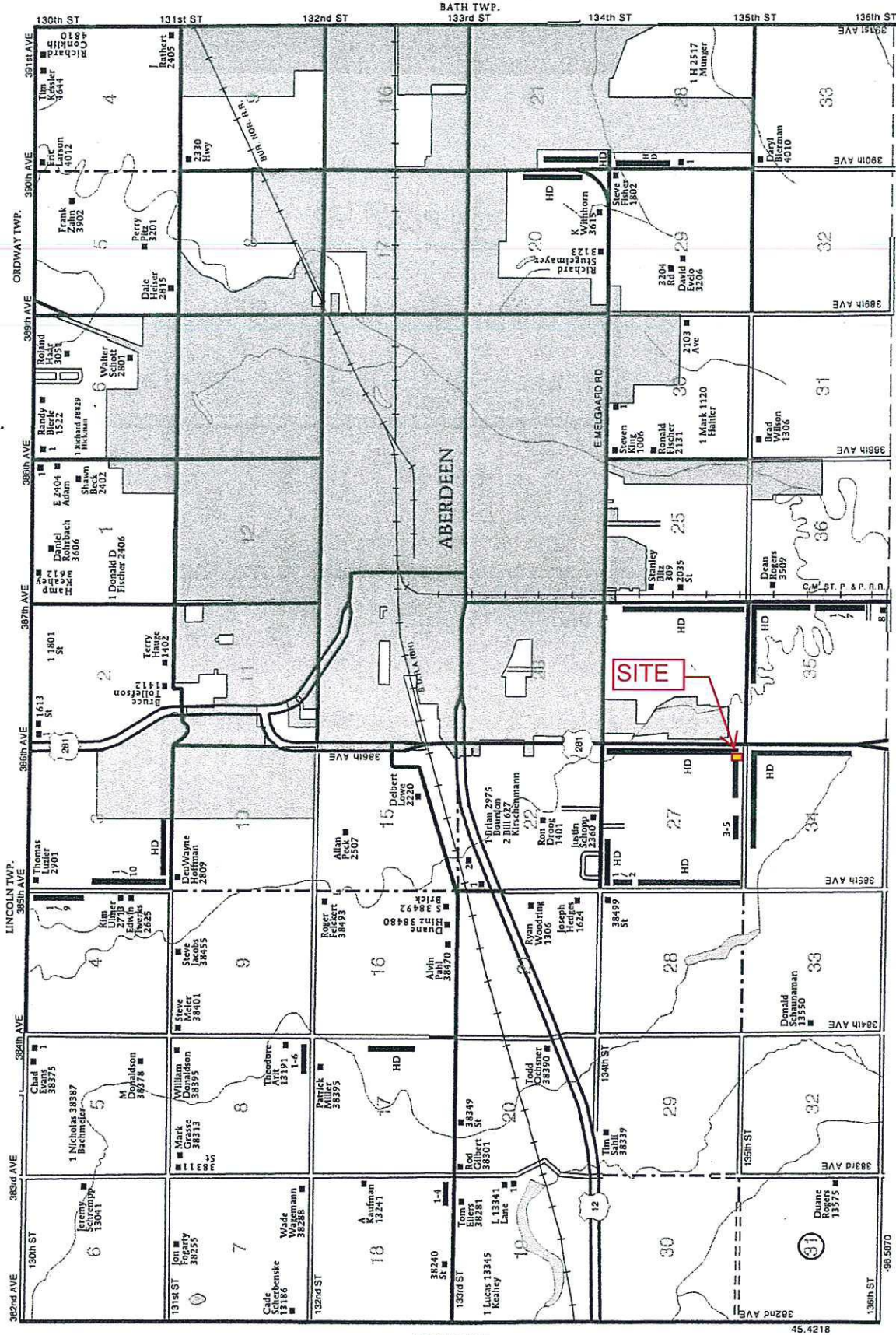
By: _____ Date: _____

HEARING DATE: April 19, 2022 **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



CEN 'W' TWP.

WARNER 'N' TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on *April 19, 2022, at 7:00 P.M.*

Petitioner: Aaron Bunke

Description of property: *Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281).*

Reason: Variance to Building Setbacks in a Highway Commercial District (HC) to allow the east and south front setbacks to be 45' rather than the required 100' for five (5) storage buildings.

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

Dated this 8th day of April 2022

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

Published once at the total approximate cost of _____.

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

Consider the entire public— <i>not</i> just the neighbors			Findings
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	This was previously in the City of Aberdeen's Zoning Jurisdiction when the subdivision was approved. The County's setbacks are different than the City's.
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Prong Two

Whether special conditions exist to grant a variance?

Physical conditions— <i>not</i> money or econ hardship			Findings
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	The City of Aberdeen's front setback was 45'-0" where as the county's is 100' in our Zoning Ordinance. The City relinquished their P & Z Jurisdiction to the County July 16, 2019.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

2-203E

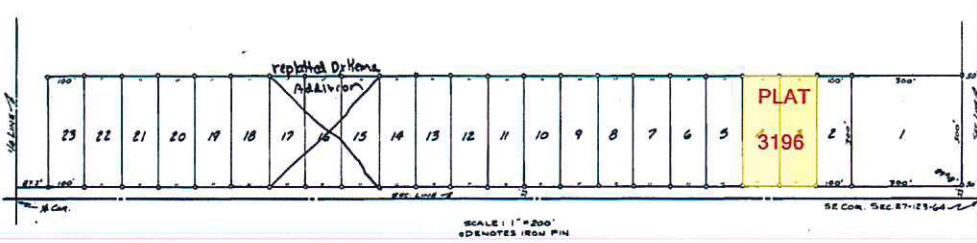
1 of 1

SAFOD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

SAFOD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

SAFOD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

Plat Showing
AUDITOR'S SUBDIVISION IN THE SE 1/4 OF SEC. 27-123-64
BROWN COUNTY, SOUTH DAKOTA



COUNTY AUDITOR'S CERTIFICATE

I hereby certify that, at the direction of the Commissioners of Brown County, South Dakota by resolution passed on the 22nd day of September, 1972, I have caused the land located in the south 333 feet of the Southeast Quarter of Section 27, Township 123 North, Range 64 West of the Fifth Principal Meridian, in Brown County, South Dakota to be surveyed and platted in accordance with Chapters 32-21-1, 2 and 3 of the 1967 Compiled Laws, which land shall hereafter be known and described as "Auditor's Subdivision in the SE 1/4 of Sec. 27, T. 123 N., R. 64 W."

Signed this 10 day of Dec, 1972.

Boyd Humphreys
County Auditor, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that, at the direction of the County Auditor of Brown County, South Dakota, I have surveyed and platted "Auditor's Subdivision in the SE 1/4 of Sec. 27, T. 123 N., R. 64 W.," as shown on this plat, that I have set iron pins as indicated hereon, and that said survey and plat are true and correct.

Signed this 31st day of October, 1972.

William D. Stellner
Registered Land Surveyor #990

State of South Dakota)
County of Brown)
On this 31st day of October, 1972, before me, a Notary Public, personally appeared William D. Stellner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires:

William D. Stellner
Notary Public, Brown County, South Dakota
Notary Public, Brown County, S. Dak.
My Commission Expires Aug. 15, 1973

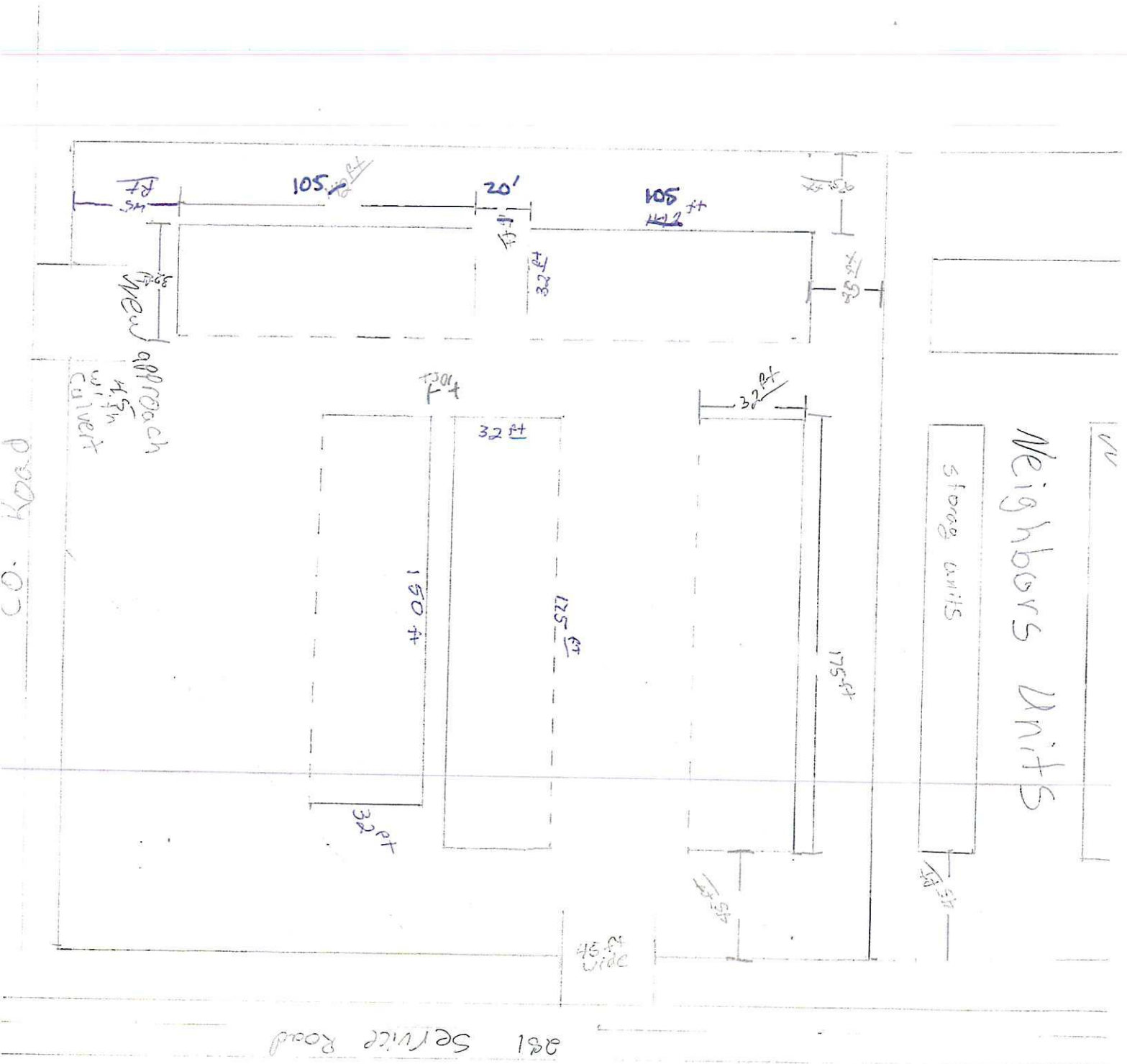
REGISTER OF DEEDS' CERTIFICATE

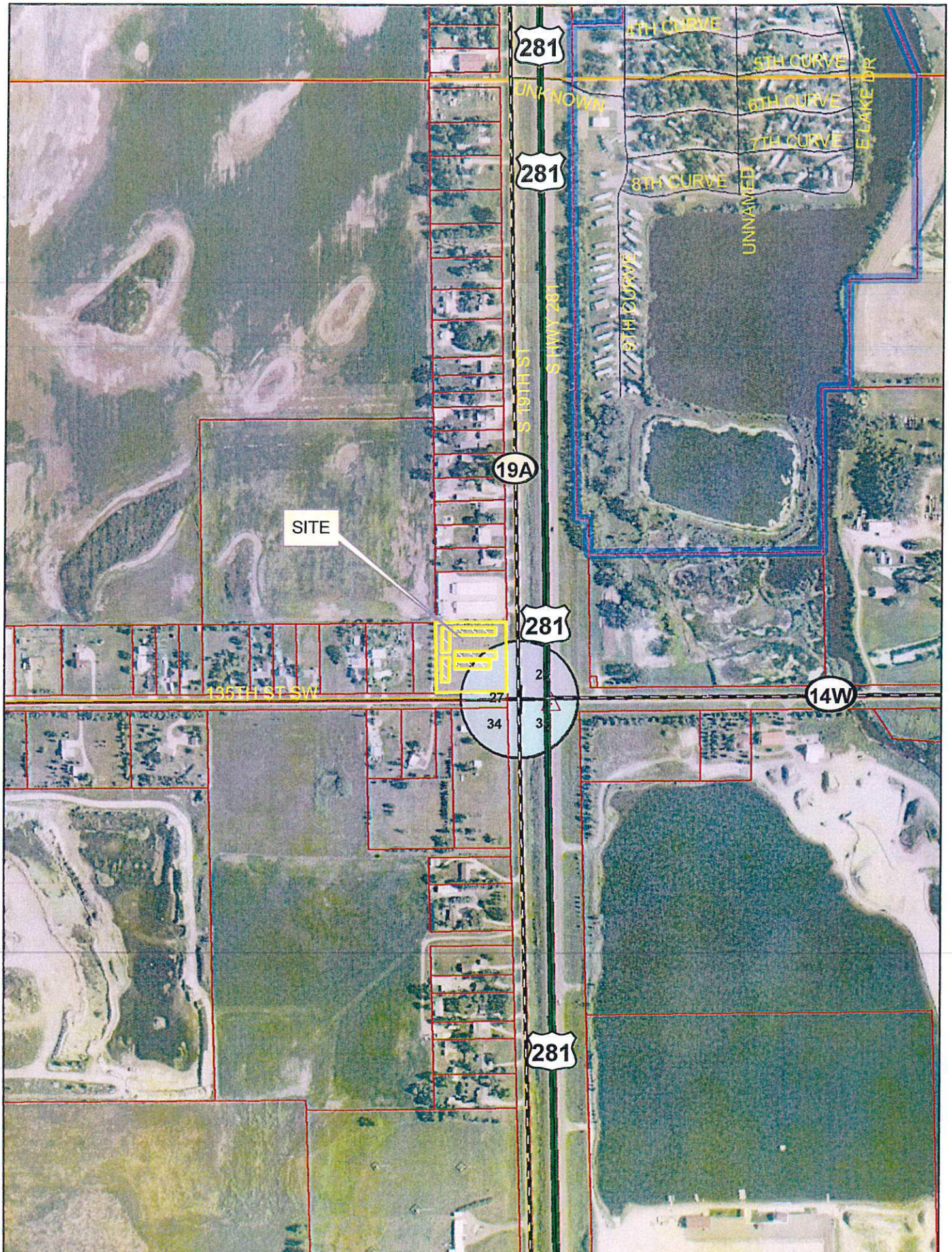
Filed for record this 14 day of Feb, 1972, at 14 o'clock P. M., and duly recorded in Book of Plats No. 21, in envelope 235 therein.

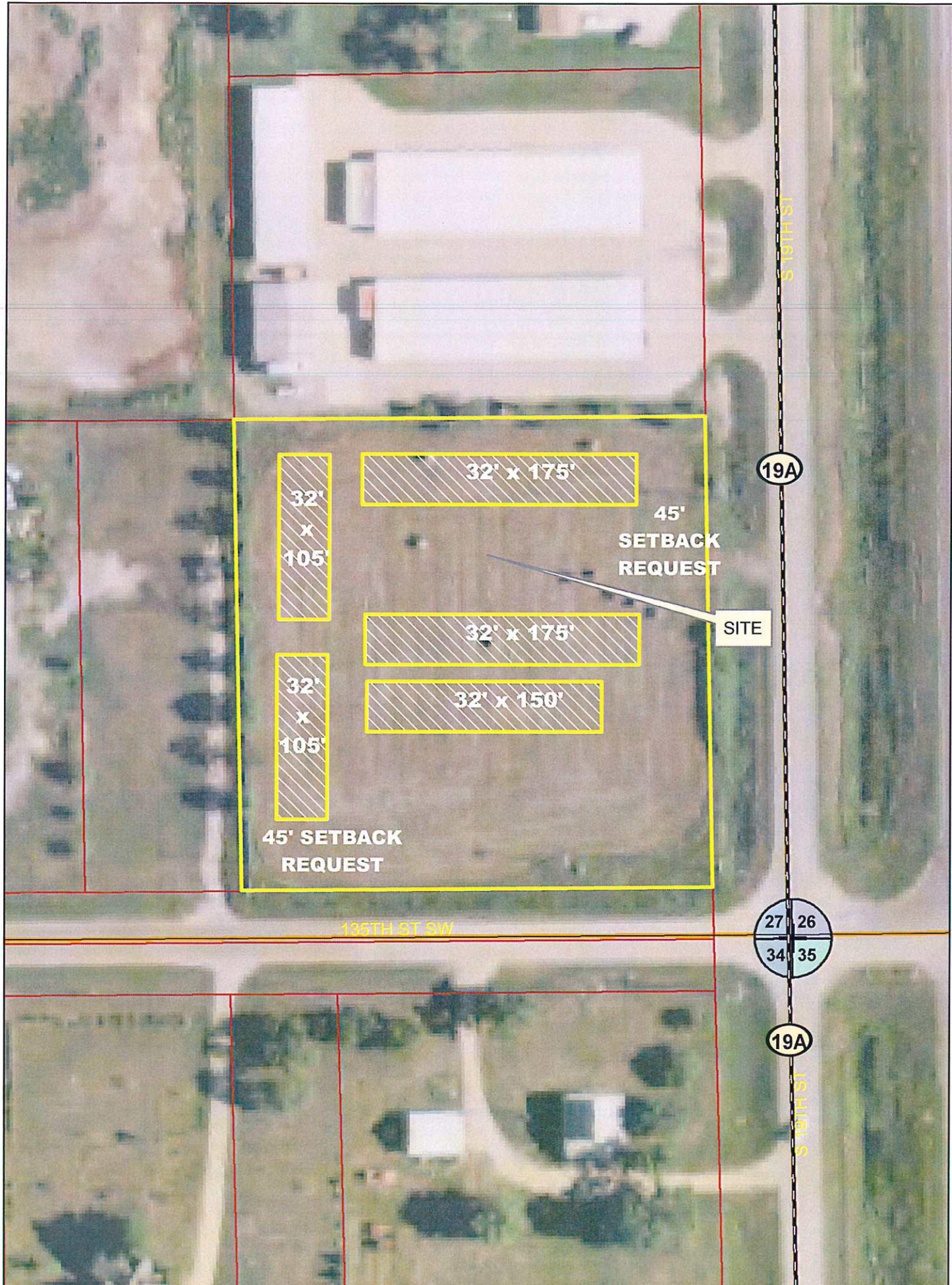
James K. Kappel
Register of Deeds, Brown County, S. Dak.

Aaron Burke

W







32'
x
105'

32' x 175'

32' x 175'

32'
x
105'

32' x 150'

45'
SETBACK
REQUEST

45' SETBACK
REQUEST

SITE

19A

27 26
34 35

19A

135TH ST SW

19A

19A

Julie Meidinger
PO Box 1912
Aberdeen SD 57402-1912

Brad Hales
250 Nesbitt Drive
Mina SD 57451

Aberdeen Township
C/O David Feickert
38382 132nd Street
Aberdeen SD 57401

Aaron Bunke
38605 142nd Street
Warner SD 57479

Arnold Huizenga
2815 385th Avenue N
Aberdeen SD 57401

Myron Lefor
1929 135th Street SW
Aberdeen SD 57401

Kenneth Jensen
2822 S Hwy 281
Aberdeen SD 57401

John Hieb
2818 S Hwy 281
Aberdeen SD 57401

Darwin Kane
1946 135th Street SW
Aberdeen SD 57401

Jeffrey Severson
1941 135th Street SW
Aberdeen SD 57401

Larry Hartze
3004 S Hwy 281
Aberdeen SD 57401

Molly Dahme
1304 N 3rd Street
Aberdeen SD 57401

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 April 19, 2022, at 7:00 P.M.

Petitioner: Aaron Bunke

Description of property: Lot 1, "Auditor's Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281).

Reason: Variance to Building Setbacks in a Highway Commercial District (HC) to allow the east and south front setbacks to be 45' rather than the required 100' for five (5) storage buildings.

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

Dated this 8th day of April 2022

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

Published once at the total
approximate cost of
April 8, 2022 7145750

STAFF REPORT

April 19, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM # 03

GENERAL INFORMATION:

PETITIONER: Bath Quick Stop LLC / Dustin Guthmiller

REQUEST: **VARIANCE TO BUILDING SETBACKS**

LEGAL DESCRIPTION: Lot B, "Weismantel's First Subdivision of Lot 1", Except the North 12' thereof, of "Jenkins' Subdivision" in the E1/2 of the SE1/4 of Section 18-T123N-R62W, of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Bath Twp

LOCATION: 39494 133rd Street

EXISTING ZONING: Highway Commercial District (HC)

SURROUNDING ZONING:

North:	Rural Urban District (RU)
South:	Highway Commercial District (HC)
East:	Agriculture Preservation District (AG-P)
West:	Rural Urban District (RU)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a Highway Commercial District (HC) to have the north rear property setback be 15' rather than 25' as required for a 17' x 50' cooler addition.

REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: March 30, 2022
RECEIPT # 620643
TOWNSHIP: Bath Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: April 4, 2022

OWNERS SIGNATURE: Bath Quick Stop LLC / Dustin Guthmiller 
OWNERS ADDRESS: 39494 133rd St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-3826

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

REQUEST: Variance to Building Setbacks in a Highway Commercial District (HC)
to have the north rear setback be 15' rather than 25' as required for a 17' x 50'
cooler addition.

LEGAL DESCRIPTION: Lot B, "Weismantel's First Subdivision of Lot 1", Except
the North 12' thereof, of "Jenkins' Subdivision" in the E1/2 of the SE1/4 of Section
18-T123N-R62W, of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

HEARING DATE: April 19, 2022 **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.

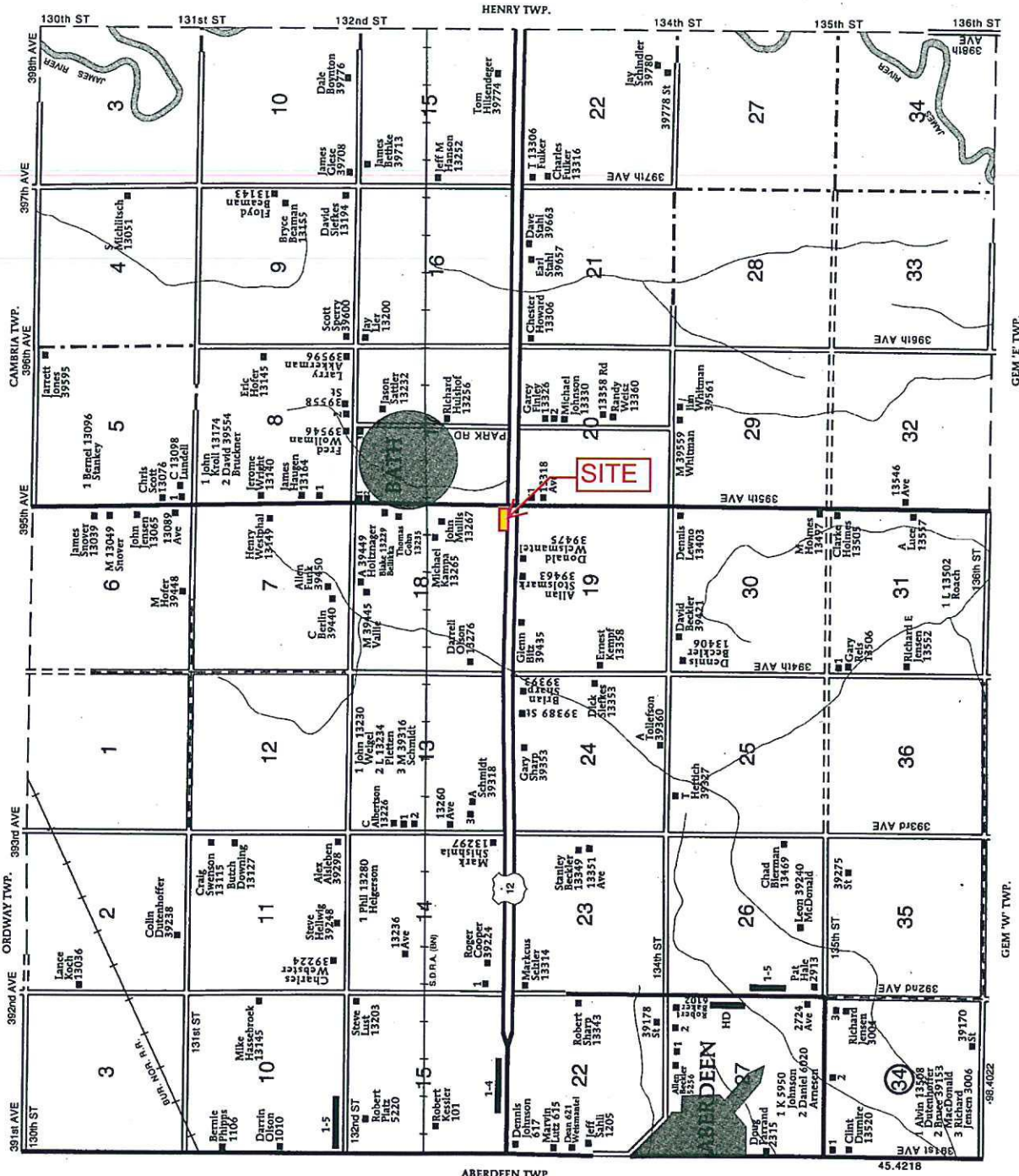
Contact our updating dept. at
800-685-7432-ext. 2605 or
 email: amanda.engebretson@farmandhomepublishers.com

T-123-N

BATH DIRECTORY

(Residents - Owners or Renters)

R-62-63-W



- 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 Gossman, C 5405
 - 2 Eilers, Todd 5455
 - 3 Knudson, R 5485
 - 4 Gossman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
 - 2 Brinkman, Stanley 13280
- SECTION 20**
- 1 Westphal, Henry 13316
 - 2 Rohrbach, Kevin 13328
- SECTION 26**
- 1 Bellikka, Daryl 2111
 - 2 Kohlhase, 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 *April 19, 2022, at 7:00 P.M.*

Petitioner: Bath Quick Stop LLC / Dustin Guthmiller

Description of property: *Lot B, "Weismantel's First Subdivision of Lot 1", Except the North 12' thereof, of "Jenkin's Subdivision" in the E1/2 of the SE1/4 of Section 18-T123N-R62W of the 5th P.M., Brown County, South Dakota (39494 133rd Street).*

Reason: Variance to Building Setbacks in a Highway Commercial District (HC) to allow the north rear setback to be 15' rather than the required 25' for a cooler addition.

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

Dated this 8th day of April 2022

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

Published once at the total approximate cost of _____.

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Prong Two

Whether special conditions exist to grant a variance?

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

8-732E

1051

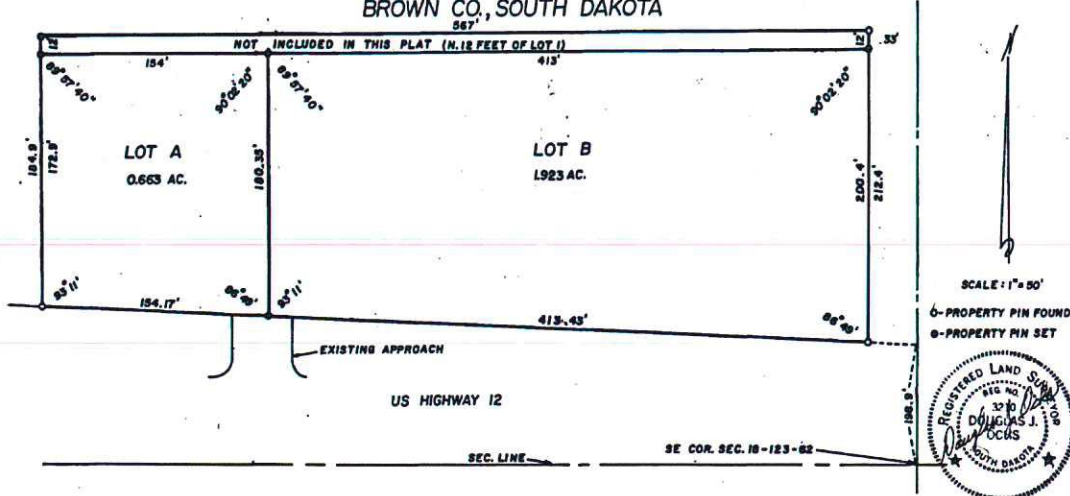
SD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8508

SDCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8508

SDCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8508

PLAT SHOWING

WEISMANTEL'S FIRST SUBDIVISION OF LOT 1, EXCEPT THE N. 12 FEET
THEREOF, JENKINS' SUBDIVISION IN THE E 1/2 OF THE SE 1/4 OF SEC. 18, T. 123 N., R. 62 W.,
BROWN CO., SOUTH DAKOTA



OWNER'S CERTIFICATE

We, Harold and Shirley J. Weismantel, do hereby certify that we are the owners of Lot 1, except the N. 12 feet thereof, Jenkins' Subdivision in the E 1/2 of the SE 1/4 of Sec. 18, T. 123 N., R. 62 W., Brown County, South Dakota and that we have caused the same to be surveyed and subdivided as shown on the accompanying plat which shall hereafter be known and described as "Weismantel's First Subdivision of Lot 1, except the N. 12 feet thereof, Jenkins' Subdivision in the E 1/2 of the SE 1/4 of Sec. 18, T. 123 N., R. 62 W., Brown County, South Dakota." We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 29th day of June, 1990.

Harold Weismantel
Harold Weismantel - Owner

Signed this 29th day of June, 1990.

Shirley J. Weismantel
Shirley J. Weismantel - Owner

State of South Dakota)
County of Brown) ss

On this 29th day of June, 1990, before me, Rodney A. Grismer, the undersigned officer, personally appeared Harold and Shirley J. Weismantel, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and who acknowledged that they executed the same for the purposes therein contained. IN WITNESS whereof I hereunto set my official hand and seal.

My commission expires: Oct. 17, 1997

RODNEY A. GRISMER
NOTARY PUBLIC, B.A.
SOUTH DAKOTA

Rodney A. Grismer
Notary Public, Brown County, South Dakota

SUBDIVISION'S CERTIFICATE

I, Douglas J. Ocho, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "Weismantel's First Subdivision of Lot 1, except the N. 12 feet thereof, Jenkins' Subdivision in the E 1/2 of the SE 1/4 of Sec. 18, T. 123 N., R. 62 W., Brown County, South Dakota," as shown on the accompanying plat and that I have set property corners as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 13th day of June, 1990.

Douglas J. Ocho
Registered Land Surveyor 05210

State of South Dakota)
County of Brown) ss

On this 13th day of June, 1990, before me, Kenneth H. Schuch, the undersigned officer, personally appeared Douglas J. Ocho, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same for the purposes therein contained. IN WITNESS whereof I hereunto set my official hand and seal.

My commission expires: KENNETH H. SCHUCH, Notary Public
My commission expires Aug. 10, 1991

Kenneth H. Schuch
Notary Public, Brown County, South Dakota

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 16th day of July, 1990.

Harold M. Wood
Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota, that the plat showing "Weismantel's First Subdivision of Lot 1, except the N. 12 feet thereof, Jenkins' Subdivision in the E 1/2 of the SE 1/4 of Sec. 18, T. 123 N., R. 62 W., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-2, and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 29th day of July, 1990.

Paul Jones
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Weismantel's First Subdivision of Lot 1, except the N. 12 feet thereof, Jenkins' Subdivision in the E 1/2 of the SE 1/4 of Sec. 18, T. 123 N., R. 62 W., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

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

Signed this 16th day of July, 1990.

Shirley Anderson
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 16th day of July, 1990.

Dana Fullmer
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 24th day of July, 1990, at 4:00 o'clock P. M., and duly recorded in Book of Plats No.

8, in envelope 732E thereto.

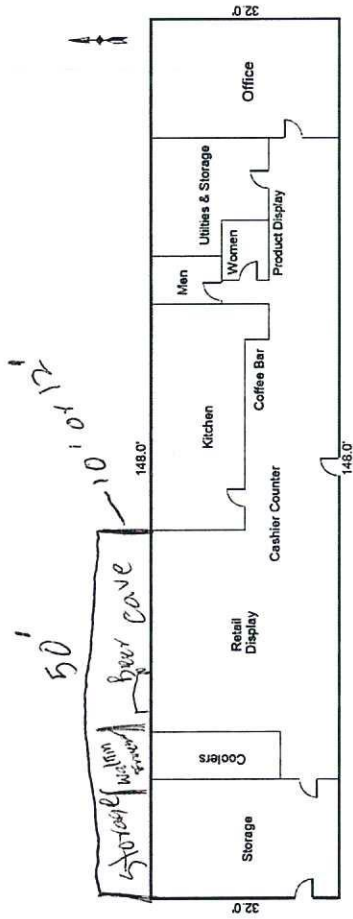
Carl Newman
Register of Deeds, Brown County, South Dakota

Floor Plan Sketch

SUBJECT INFO

File No.: Bath Quick Stop
 Property Address: 39494 133rd Street
 City: Bath County: Brown ZipCode: 57427
 Owner: Dustin Guthmiller
 Client: CoTrust Bank
 Appraiser Name: Thad Rogers
 Parcel No.: 007
 State: SD
 Client Address: 2016 6th Ave. Aberdeen SD
 Inspection Date: 8-22-20

SKETCH



Sketch by Apex Sketch

* Building floor plan sketch is neither an exact replica of the existing floor plan nor is to scale. The intention of the sketch is to communicate the general floor plan/layout of the subject property.

INSTRUMENT NO. 202006600
BOOK: 306 DEED
PAGE: 39
TRANSFER FEE: \$ 710.00
PAID
2020/10/14 08:20:50 AM

Pages: 2



Prepared by:
Rodrick L. Tobin
Siegel, Barnett & Schutz, L.L.P.
PO Box 490
Aberdeen, SD 57402-0490
605-225-5420

ROBERTA NICHOLS, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00
Return To: SIEGEL, BARNETT & SCHUTZ LLP

WARRANTY DEED

Alan L. Lanphere, also known as Alan Lanphere, and Brenda J. Lanphere, also known as Brenda Lanphere, husband and wife, as joint tenants with right of survivorship and not tenants in common, of 1407 5th Avenue NE, Aberdeen, South Dakota 57401, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grant, convey, and warrant to Bath Quick Stop, LLC, a South Dakota limited liability company, of 129th 388th Avenue, Aberdeen, South Dakota 57401, Grantee, the following described real property: 83 121

Lots A and B, Weismantel's First Subdivision of Lot 1, EXCEPT the North 12 feet thereof, Jenkins' Subdivision in the East Half of the Southeast Quarter of Section 18, Township 123 North, Range 62 West of the 5th P.M., according to the plat thereof of record, Brown County, South Dakota,

subject to easements, restrictions and reservation of record, if any.

Dated October 9, 2020.

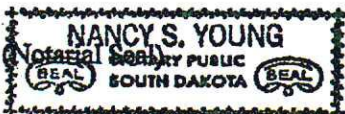
Alan L. Lanphere AKA Alan Lanphere

Brenda J. Lanphere AKA Brenda Lanphere

STATE OF SOUTH DAKOTA)
)ss.
COUNTY OF Brown)

On October 9, 2020, before me, the undersigned officer, personally appeared Alan L. Lanphere, also known as Alan Lanphere, known to me to be or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

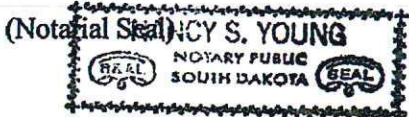



Notary Public, South Dakota
My Commission Expires: 02-07-23

STATE OF SOUTH DAKOTA)
)ss.
COUNTY OF BROWN)

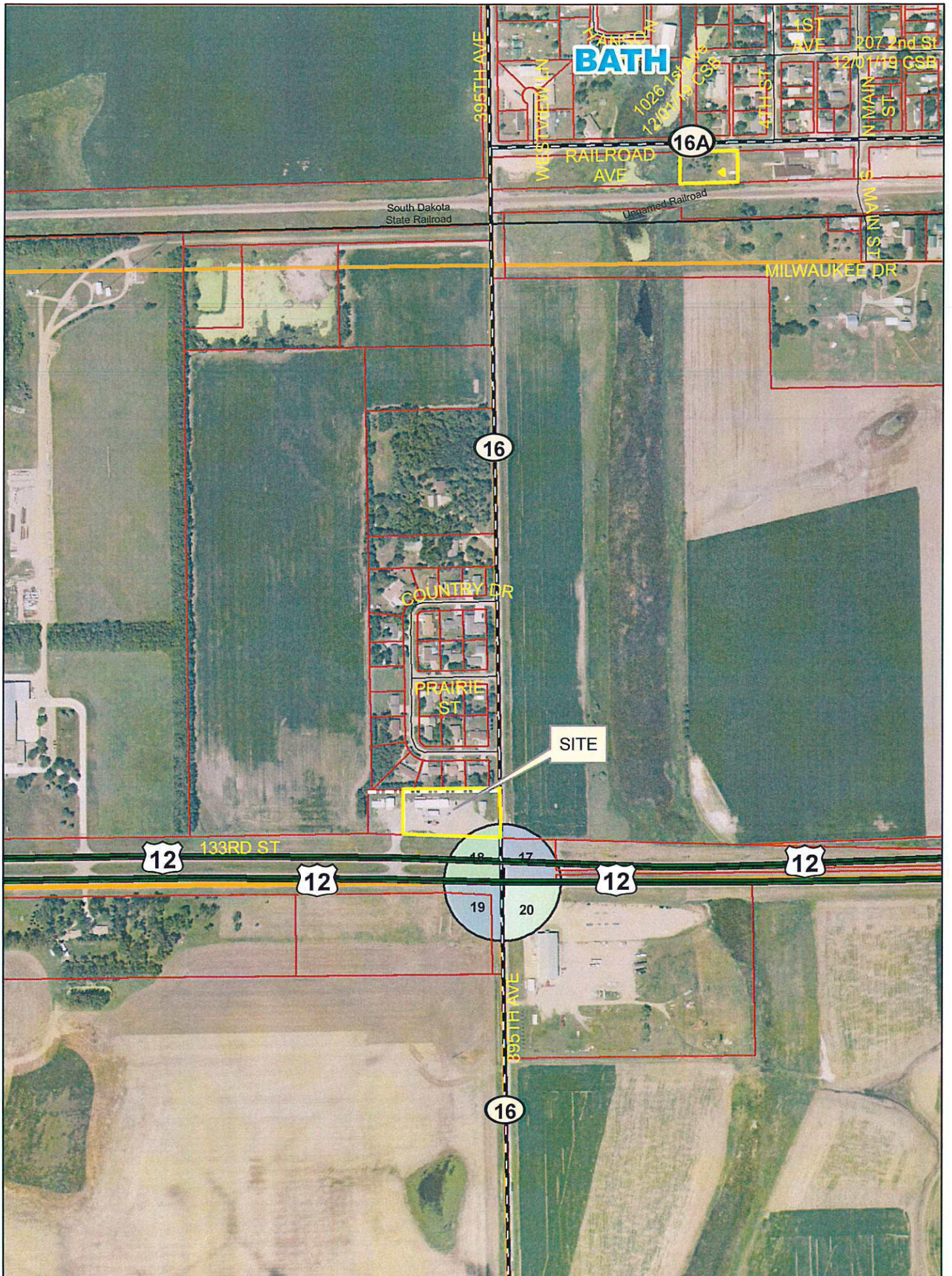
On October 13, 2020, before me, the undersigned officer, personally appeared Alan L. Lanphere and Brenda J. Lanphere, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

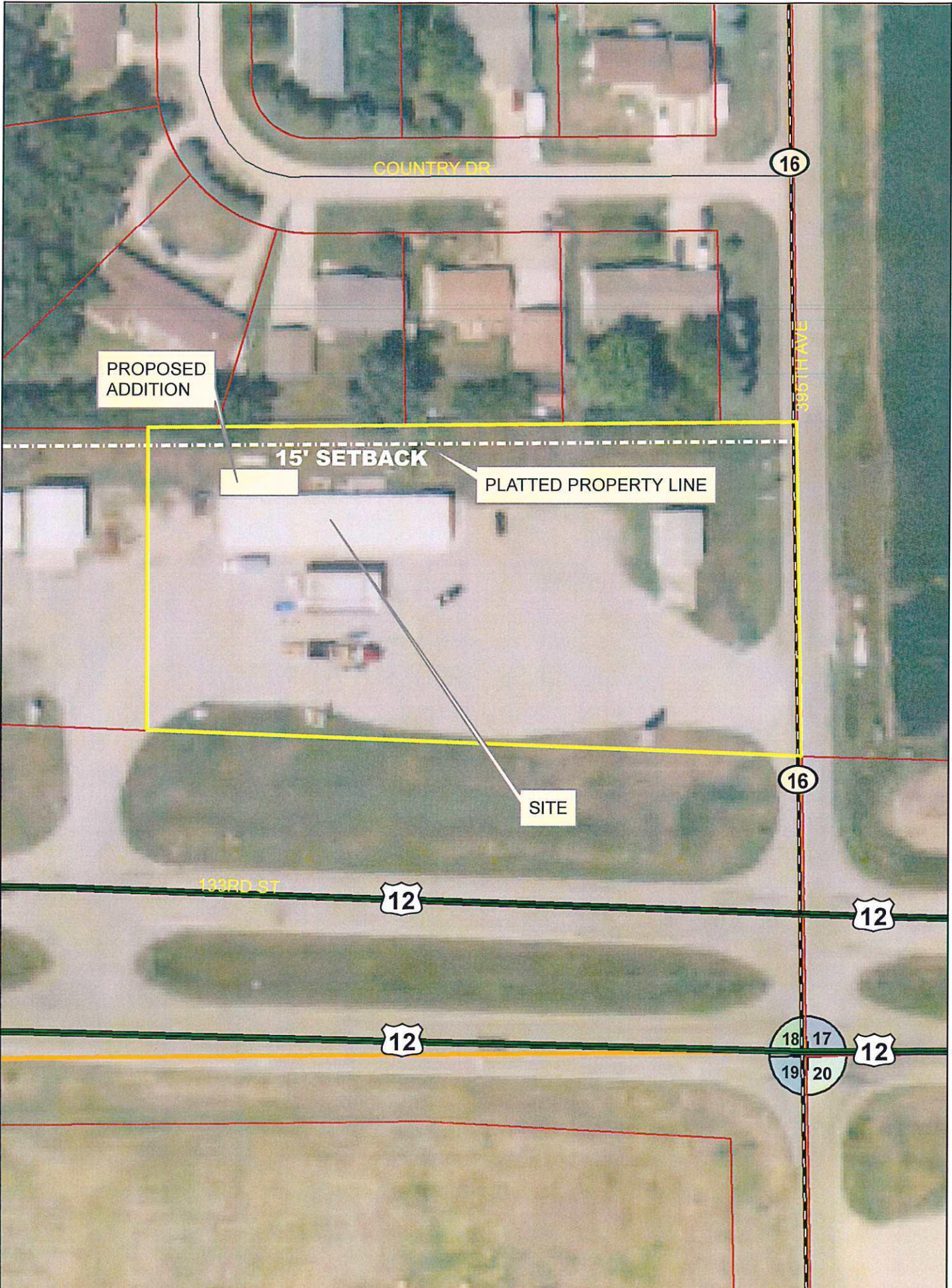
IN WITNESS WHEREOF, I hereunto set my hand and official seal.





Notary Public, South Dakota
My Commission Expires: 08-07-23





COUNTRY DR

16

PROPOSED ADDITION

15' SETBACK

PLATTED PROPERTY LINE

335TH AVE

SITE

16

103RD ST

12

12

12

18 17
19 20

12

Attn: Dustin Guthmiller
Bath Quick Stop, LLC
12983 388th Avenue
Aberdeen SD 57401

Specialty Manufacturing Co.
PO Box 517
Bath SD 57427-0517

Linda Schlosser
PO Box 522
Bath SD 57427-0522

Eric Johannsen
39495 Country Drive
Bath SD 57427

Thomas Keller
39493 Country Drive
Bath SD 57427

Jason Rudolph
39491 Country Drive
Bath SD 57427

Thomas Ullrich
13279 Country Drive
Bath SD 57427

LeRoy Weismantel Trust
PO Box 47
Columbia SD 57433-0047

Bath Township
C/O Jeffrey Hanson
13252 397th Avenue
Bath SD 57427

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 April 19, 2022, at 7:00 P.M. Petitioner: Bath Quick Stop LLC / Dustin Guthmiller

Description of property: Lot B, "Weismantel's First Subdivision of Lot 1", Except the North 12' thereof, of "Jenkin's Subdivision" in the E1/2 of the SE1/4 of Section 18-T123N-R62W of the 5th P.M., Brown County, South Dakota (39494 133rd Street).

Reason: Variance to Building Setbacks in a Highway Commercial District (HC) to allow the north rear setback to be 15' rather than the required 25' for a cooler addition.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of April 2022

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

Published once at the total approximate cost of \$18.16
April 8, 2022 7145766

STAFF REPORT

April 19, 2022

Conditional Use for Mobile Home in H-I District

ITEM # 04

GENERAL INFORMATION

PETITIONER Estelle Meyers for George & Rosalie Meyers

REQUEST **Conditional Use** Permit for a Mobile Home in a Heavy Industrial District (H-I)

LEGAL DESCRIPTION The N½ of the NW¼ of Section 28-T124N-R63W, of the 5th P.M., Brown County, South Dakota

LOCATION 12810 390th Avenue

EXISTING ZONING Heavy Industrial District (H-I)

SURROUNDING ZONING

North: Heavy Industrial District (H-I)
South: Heavy Industrial District (H-I)
East: Agriculture Preservation District (AG-P)
West: Agriculture Preservation District (AG-P)

REPORTED BY Chris Anderson

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a mobile home in a Heavy Industrial District.

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: March 29, 2022
RECEIPT # 620647
TOWNSHIP: Ordway Twp

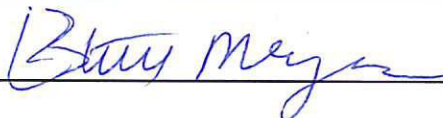
FEES: \$ 225.00
PAID: YES/NO CHK/CASH
DATE: April 4, 2022

OWNERS SIGNATURE: George & Rosalie Meyers
OWNERS ADDRESS: 12810 390th Avenue
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____

AGENTS SIGNATURE: Estelle Meyers
AGENTS ADDRESS: 12834 390th Avenue
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-225-3809 (Home) 605-380-6366 (Cell)

REQUEST: Conditional Use Permit (CUP) for a new mobile home. There is an existing residence with attached garage and an existing steel building containing living quarters in a Heavy Industrial District (H-I).

LEGAL DESCRIPTION: N1/2 of the NW1/4 of Section 28-T124N-R63W of the 5th P.M. Brown County, South Dakota.

SIGNATURE: 

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: April 19, 2022 TIME: 7:00 PM

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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



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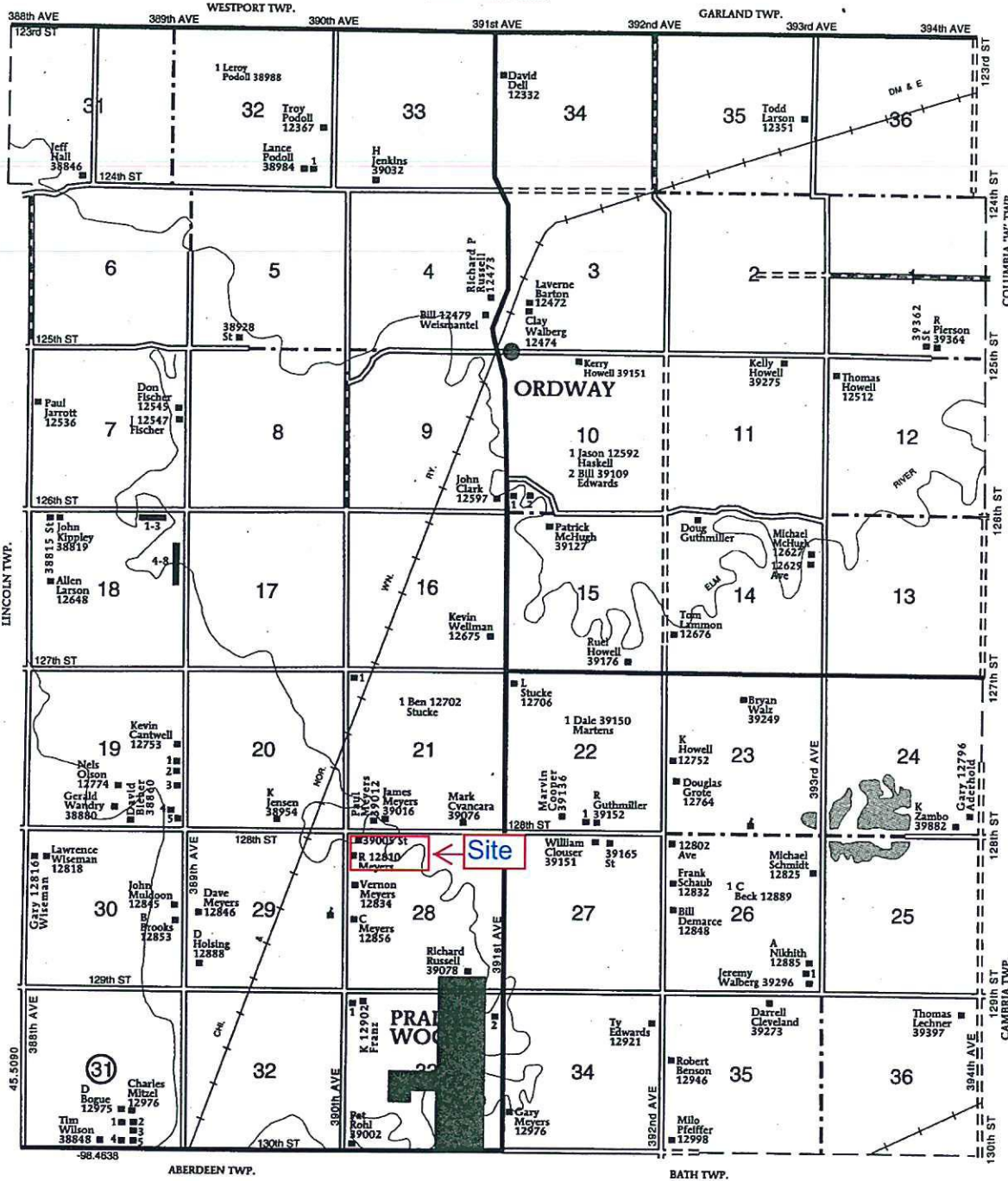
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800-685-7432

T-124-125-N

ORDWAY DIRECTORY

(Residents - Owners or Renters)

R-63-W



ORDWAY TOWNSHIP SECTION 18

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

SECTION 19

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

SECTION 33S

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

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the basement of the Courthouse Annex, Community Meeting Room on April 19, 2022 at 7:00 P.M.

Petitioner: Estelle Meyers for George and Rosalie Meyers

Description of property: N½ of the NW¼ of Section 28-T124N-R63W of the 5th P.M., Brown County, South Dakota (12810 390th Avenue).

Reason: A conditional Use Petition (CUP) for a mobile home in a Heavy Industrial District (H-I).

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

Dated this *8th day of April, 2022*.

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

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit <ul style="list-style-type: none"> (Short Description) For a mobile home in Heavy Industrial Dist. (H-I)
Applicant:	Name Estelle Meyers <ul style="list-style-type: none"> Address 12834 390th Avenue
Landowner:	<ul style="list-style-type: none"> Same George & Rosalie Meyers
Legal Description:	The N1/2 of the NW1/4 of Section 28-T124N-R63W of the 5th P.M., Brown County, South Dakota
Location:	12810 390th Avenue
Size:	78 Acres
Physical Description:	
Tax ID:	3045
Current Zoning:	Heavy Industrial District (H-I)
Existing Land Use:	Heavy Industrial
Surrounding Zoning:	<ul style="list-style-type: none"> Heavy Industrial (H-I) and Agriculture Preservation District (AG-P)
Utilities:	
Ordinance:	SDCL 11-2-17.3 / 11-2-53 (3) / BCO 4.2402
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception will OR will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS:

Heavy Industrial District (H-I)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

Fit with Purpose of Zoning Ordinance and Relevant District? *(see statement of intent in ordinance)*

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Conditional Use has adequate ingress, egress and traffic flow.

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

Conditional Use has parking and has minimal effects to adjoining properties.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Conditional Use will have accommodations for refuse.

(d) Utilities, with reference to locations, availability, and compatibility;

Conditional Use uses existing utilities.

(e) Screening and buffering with reference to type, dimensions, and character;

Conditional Use does not need screening or buffering due to it being a residence.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

Conditional Use should not need signs nor interfere with district compatibility/harmony.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

Conditional Use is compatible with other properties in the district.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

Conditional Use should not pose an additional or abnormal fire hazard.

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

Conditional Use would create minimal noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

Conditional Use would create minimal vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

Conditional Use does not generate air pollution.

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

Conditional Use would create minimal odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

Conditional Use would create minimal glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

Conditional Use should not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

Conditional Use would use sewer and water available on property.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

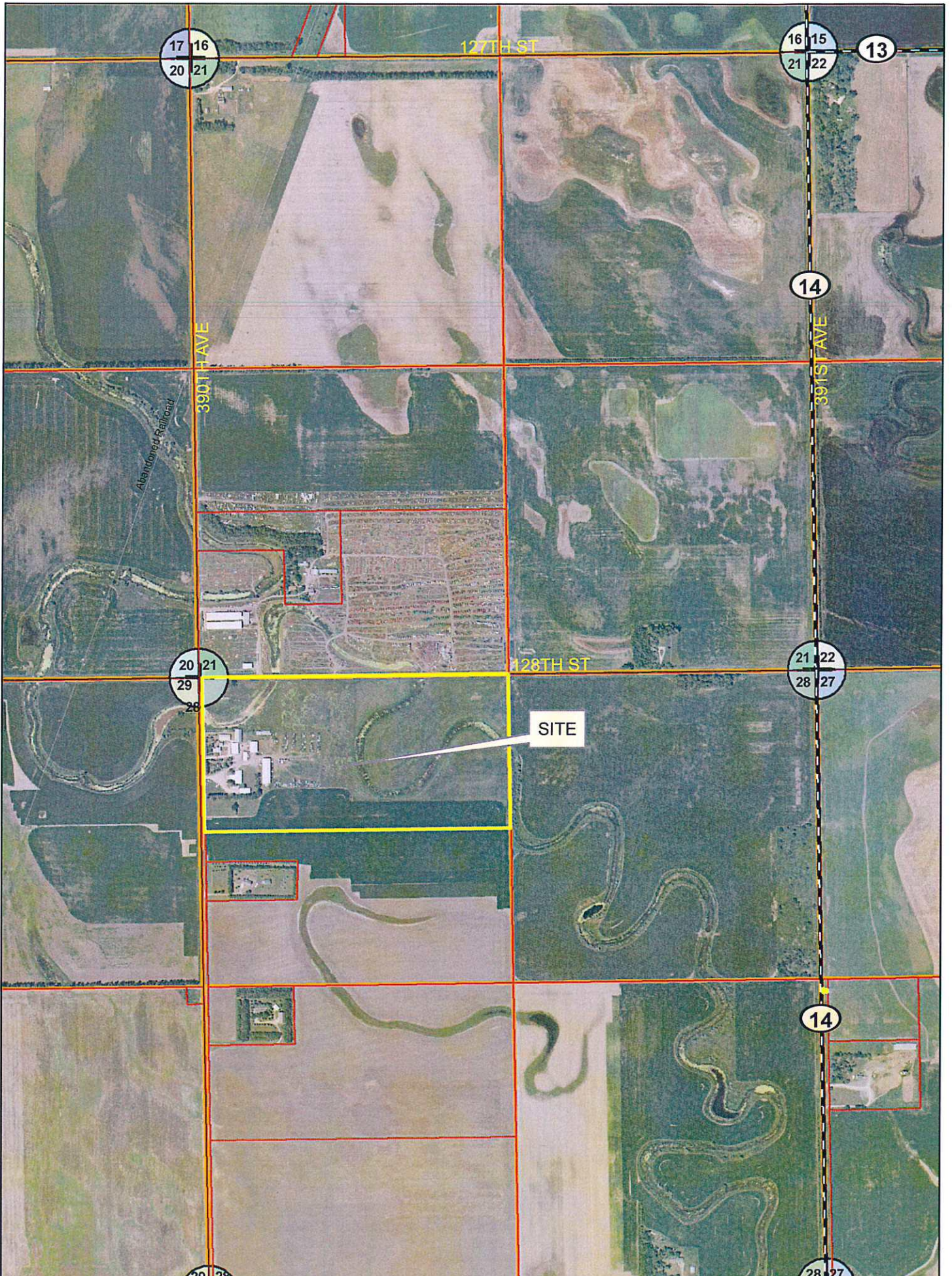
The character of the neighborhood will not be altered.

(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should not adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.





20 21
29

128TH ST

128TH ST

390TH AVE

SITE

Estelle Meyers
12834 390th Avenue
Aberdeen SD 57401

George & Rosalie Meyers
12810 390th Avenue
Aberdeen SD 57401

Ordway Township
C/O David Dell
12332 391st Avenue
Columbia SD 57433

Paul & Wendy Meyers
39012 128th Street
Aberdeen SD 57401

Darrell Hosack
7076 Wirt Street
Omaha NE 68104

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the basement of the Courthouse Annex, Community Meeting Room on April 19, 2022 at 7:00 P.M.

Petitioner: Estelle Meyers for George and Rosalie Meyers

Description of property: N½ of the NW¼ of Section 28-T124N-R63W of the 5th P.M., Brown County, South Dakota (12810 390th Avenue).

Reason: A conditional Use Petition (CUP) for a mobile home in a Heavy Industrial District (H-1).

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

Dated this 8th day of April, 2022.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market St.

Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$16.48

April 8, 2022 7145790

STAFF REPORT

April 19, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

Conditional Use Petition (CUP)

ITEM # 05

GENERAL INFORMATION:

PETITIONER: Jonathan Swenson

REQUEST: **Conditional Use Petition (CUP)**

LEGAL DESCRIPTION: "Hedges' Outlot 1" in the NE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Aberdeen Twp

LOCATION: 38480 W Hwy 12, Aberdeen, SD 57401

EXISTING ZONING: Heavy Industrial District (H-I)

SURROUNDING ZONING:

- North: Heavy Industrial District (H-I)
- South: Agriculture Preservation District (AG-P)
- East: Heavy Industrial District (H-I)
- West: Heavy Industrial District (H-I)

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) for 2 cold storage structures in a Heavy Industrial District (H-I). Since this is zoned HI District, there are not any permitted uses. Everything goes through as a CUP through the Zoning Board of Adjustment (BOA) for approval.

REVIEW: Staff has reviewed this request. There will be a new 100' x 120' and a moved in 18' x 36' storage structure put on the property.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: April 1, 2022
RECEIPT # 620653
TOWNSHIP: Aberdeen Twp

FEES: \$225.00
PAID: YES/NO CHK/CASH
DATE: April 6, 2022

OWNERS SIGNATURE: Jonathan Swenson
OWNERS ADDRESS: 2522 Water View Dr
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-9528

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

REQUEST: Special Exception/Conditional Use for a new 100' x 120' and a moved
in 18' x 36' storage structure in a Heavy Industrial District (H-I).

LEGAL DESCRIPTION: "Hedges' Outlot 1" in the NE1/4 of Section 21-T123N-R64W
of the 5th P.M., Brown County, South Dakota (38480 W Hwy 12)

SIGNATURE:  4-6-22

Planning Commission Action: Approved / Denied

By: _____ Date: _____

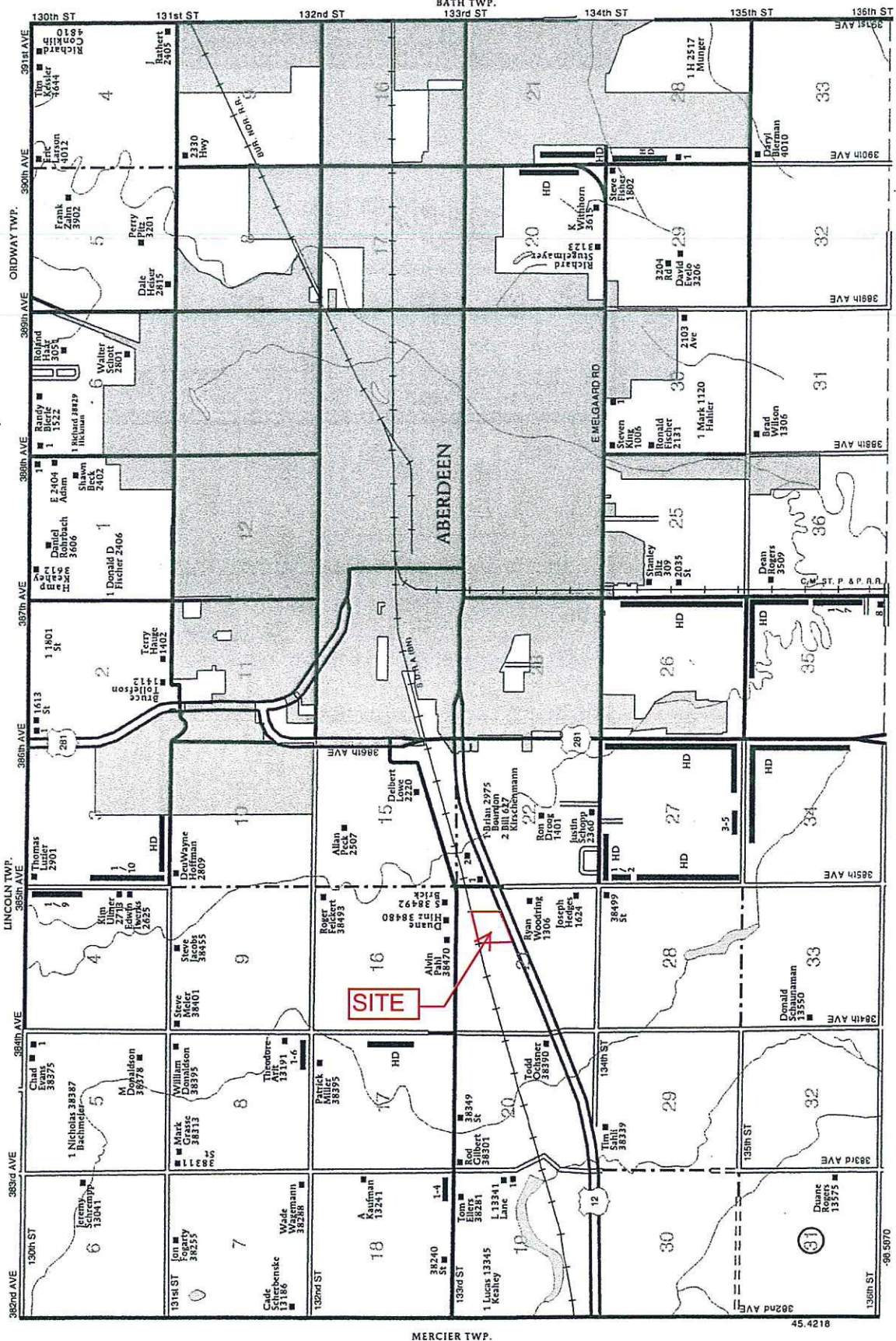
HEARING DATE: April 19, 2022 TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)



SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Conditional Use Petition (CUP). A hearing will be held in the Brown County Courthouse Annex in the Basement Community Meeting Room on April 19, 2022, at 7:00 pm.

Petitioner: Jonathan Swenson

Description of property: "Hedges' Outlot 1" in the NE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38480 W Hwy 12, Aberdeen, SD 57401).

Reason: Conditional Use Petition (CUP) for 2 new storage structures in a Heavy Industrial District (H-I).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Conditional Use Petition (CUP).

Dated this *8th day of April 2022*

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

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Storage Structures in Heavy Industrial
Applicant:	Name Jonathan Swenson • Address 2522 Water View Dr, Aberdeen SD 57401
Landowner:	• Same
Legal Description:	"Hedges' Outlot 1" in the NE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota
Location:	38480 W Hwy 12, Aberdeen, SD 57401
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Heavy Industrial District (H-I)
Existing Land Use:	
Surrounding Zoning:	• Heavy Industrial (H-I) / Agriculture Preservation (AG-P)
Utilities:	
Ordinance:	
Report by:	Scott Bader

<i>FINDINGS</i>	
JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)	
The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception <input type="checkbox"/> will OR <input checked="" type="checkbox"/> will not adversely affect the public interest and welfare.	
CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3	
<i>NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?</i>	
ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3	
PROPERTY IS ZONED AS:	Heavy Industrial District (H-I)
Special Exception/Conditional use permitted?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> No
Fit with Comprehensive Plan?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Conditional Use has adequate ingress, egress and traffic flow.

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

Conditional Use has parking and has minimal effects to adjoining properties.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Conditional Use has accommodations for refuse.

(d) Utilities, with reference to locations, availability, and compatibility;

Conditional Use has utilities available.

(e) Screening and buffering with reference to type, dimensions, and character;

Conditional Use has minimal screening consistent with other properties nearby.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

Conditional Use does not have any new signs.

(g) Required yards and other open spaces;

Conditional Use meets the yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

Conditional Use is compatible with other properties in the district.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

Conditional Use would have a fire risk typical of storage structures.

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

Conditional Use would create minimal noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

Conditional Use would create minimal vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

Conditional Use should not generate any air pollution.

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

Conditional Use would create minimal odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

Conditional Use would create minimal glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

Conditional Use should not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

Conditional Use should not substantially increase the burden on sewer or water.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

The character of the neighborhood will not be altered.

(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should not adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

2-185E

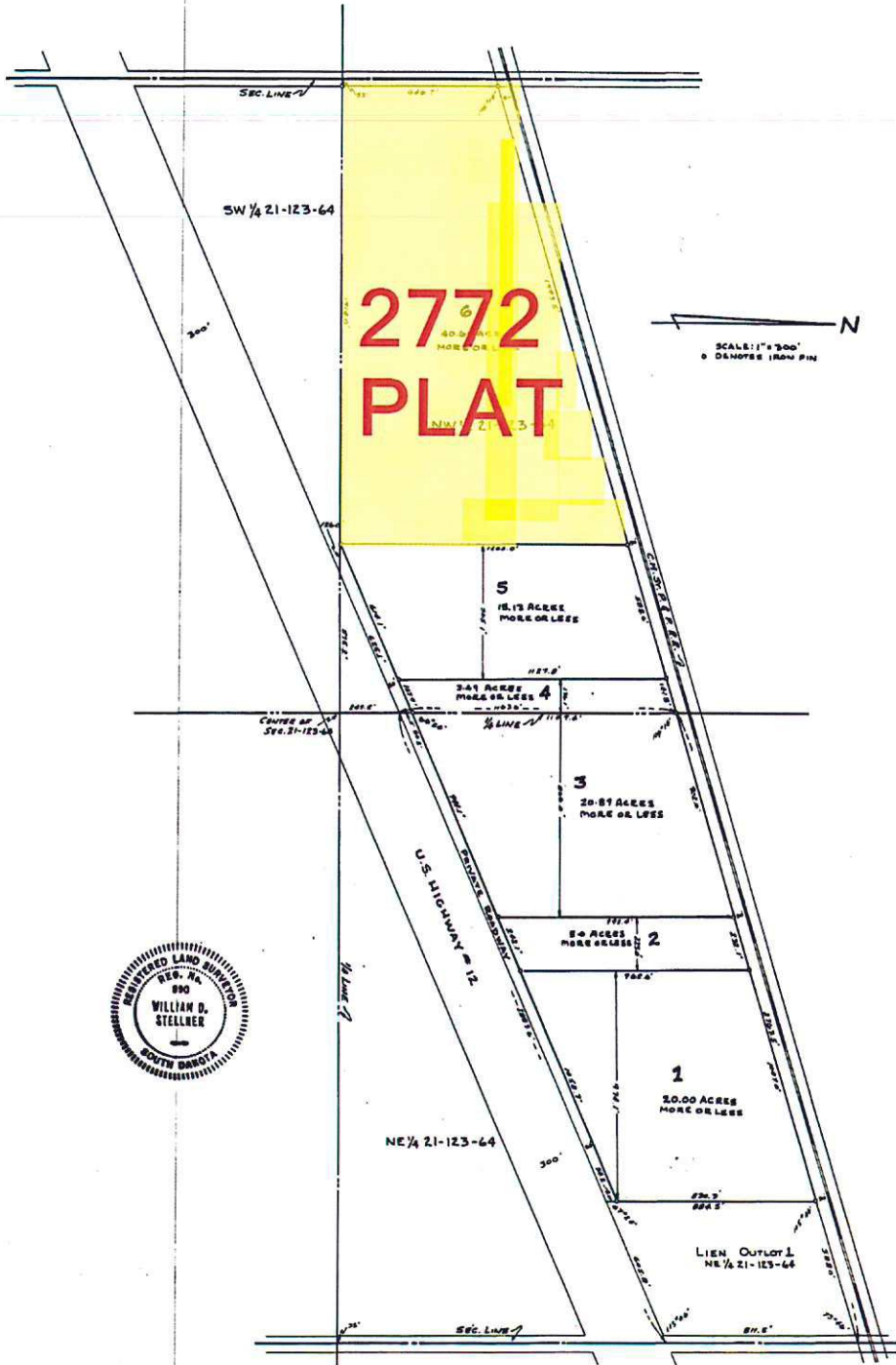
1 of 2

SD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

SDCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

SDCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

PLAT SHOWING
HEDGES' OUTLOTS 1-6
IN THE N 1/2 OF SEC. 21-T. 123N.-R. 64 W.,
BROWN COUNTY, SOUTH DAKOTA



2-185E

292

CERTIFICATES FOR
HEDGES' OUTLOTS 1-6 IN THE N½ OF SEC. 21-T. 123 N.-R. 64 W.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Charles W. Hedges, do hereby certify that I am the owner of all that part of the North ½ of Section 21, Township 123 North, Range 64 West of the Fifth Principal Meridian, Brown County, South Dakota, lying south of the right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad and north of the right-of-way of U. S. Highway #12, except the platted portion thereof, and that I have caused the same to be surveyed and platted into lots as shown on this plat, which shall hereafter be known and described as "Hedges' Outlots 1 - 6 in the North ½ of Sec. 21, T. 123 N., R. 64 W."

Signed this 9th day of June, 1972.

Charles W. Hedges
Owner

State of South Dakota) ss
County of Brown)

On this 9th day of June, 1972, before me, a Notary Public, personally appeared Charles W. Hedges, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires: March 27-1978

John P. Derision
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that, at the request of the owner, I have surveyed and platted "Hedges' Outlots 1 - 6 in the North ½ of Sec. 21, T. 123 N., R. 64 W.," as shown on this plat, that I have set iron pins as indicated hereon, and that said survey and plat are true and correct.

Signed this 3rd day of May, 1972.

William D. Stellner
Registered Land Surveyor #990

State of South Dakota) ss
County of Brown)

On this 3rd day of May, 1972, before me, a Notary Public, personally appeared William D. Stellner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires:

John P. Derision
Notary Public, Brown County, South Dakota
& S. D. 8552
Notary Public, P. O. Box 2, Dak.
By Ordinance of the A.S. 15, 1972

PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the City Plan Commission of Aberdeen, South Dakota at a meeting held on the 17 day of May, 1972.

Merilee Haas
City Auditor, Aberdeen, South Dakota

"Be it resolved by the City Plan Commission of Aberdeen, South Dakota, that the plat showing "Hedges' Outlots 1 - 6 in the North ½ of Sec. 21, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-8, and any amendments thereof."

APPROVAL BY CITY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Aberdeen, South Dakota at a meeting held on the 6th day of June, 1972.

Russ Anabin
Dep. City Auditor, Aberdeen, South Dakota

"Be it resolved by the Board of Commissioners of Aberdeen, South Dakota, that the plat showing "Hedges' Outlots 1 - 6 in the North ½ of Sec. 21, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 12 day of June, 1972.

Rich Thompson
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Hedges' Outlots 1 - 6 in the North ½ of Sec. 21, T. 123 N., R. 64 W.," 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 this plat are shown by the records of my office to be fully paid.

Signed this 6 day of June, 1972.

Pat Peterson
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

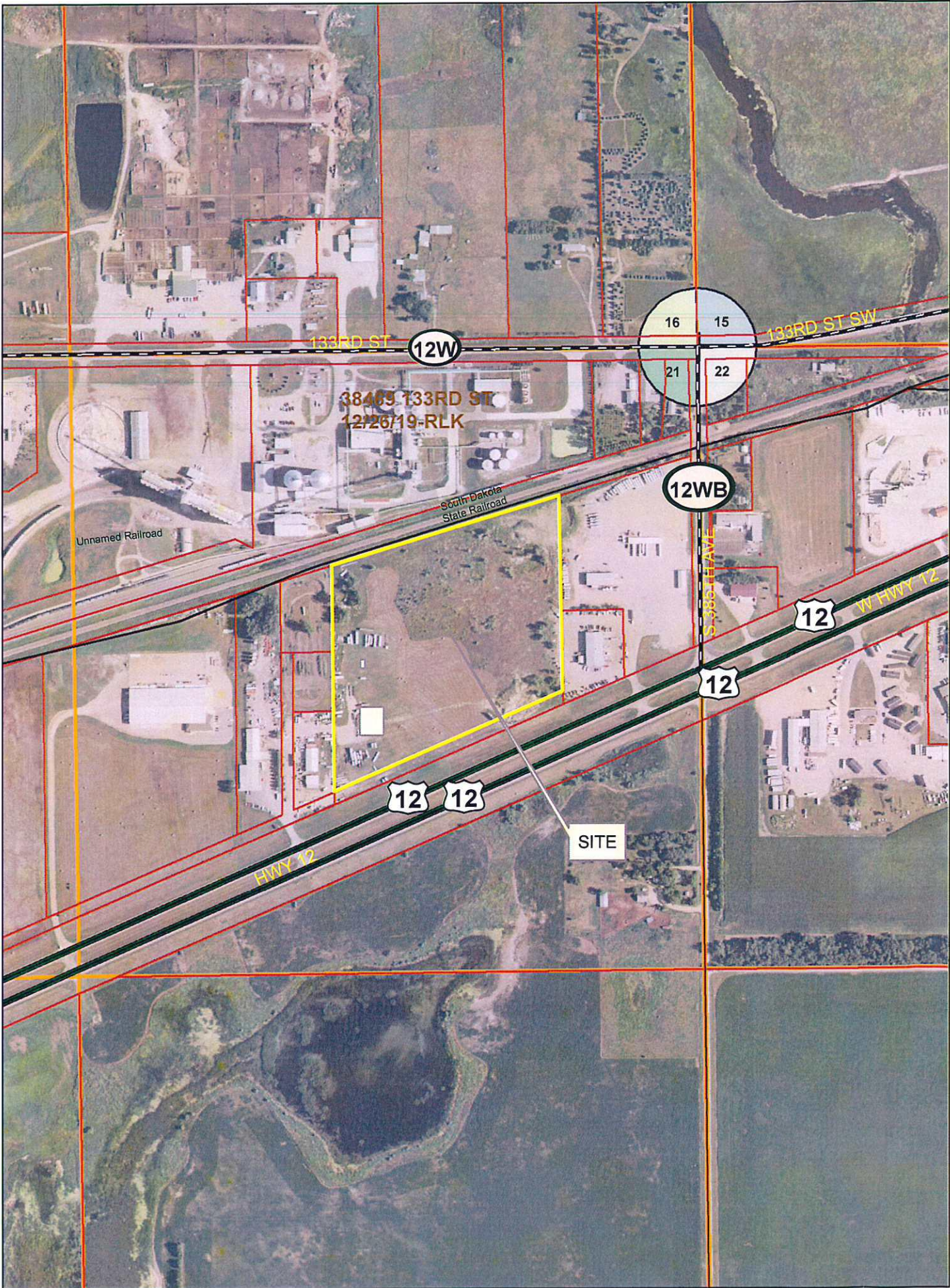
I hereby certify that I have received a copy of this plat this 2 day of June, 1972.

Lester C. Anderson by John P. Derision
Director of Equalization, Brown County, S. D.

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 13 day of June, 1972, at 3 o'clock P. M., and duly recorded in Book of Plats No. 9, in envelope 185 therein.

Sharon M. Metherell
Register of Deeds, Brown County, South Dakota





Unnamed Railroad

South Dakota State Railroad

SITE

12

12

HWY 12

Jonathan Swenson
2522 Water View Drive
Aberdeen SD 57401

Aberdeen Township
C/O David Feickert
38382 132nd Street
Aberdeen SD 57401

Hub City Energy
PO Box 933
Watertown SD 57402-0933

Real Estate Company 2
337 22nd Avenue S
Brookings SD 57006

Sheehan Investments Inc
901 E 60th Street N
Sioux Falls SD 57104

H & H Farms LLP
2205 N Jay Street
Aberdeen SD 57401

Leslie Blocker
916 S 10th Street
Aberdeen SD 57401

Aberdeen Motocross Assoc
1510 24th Avenue NW
Aberdeen SD 57401

WEB Water Dev Assoc
PO Box 51
Aberdeen SD 57402-0051

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Conditional Use Petition (CUP). A hearing will be held in the Brown County Courthouse Annex in the Basement Community Meeting Room on April 19, 2022, at 7:00 pm.

Petitioner: Jonathan Swenson

Description of property: "Hedges' Outlot 1" in the NE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38480 W Hwy 12, Aberdeen, SD 57401).

Reason: Conditional Use Petition (CUP) for 2 new storage structures in a Heavy Industrial District (H-I).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Conditional Use Petition (CUP).

Dated this 8th day of April 2022

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total approximate cost of \$16.76
April 8, 2022 7145830

STAFF REPORT

April 19, 2022

REZONE PARCEL from AG-P to M-AG District

ITEM #10

GENERAL INFORMATION:

PETITIONER	Jared Steger
REQUEST	Petition to Rezone Property
LEGAL DESCRIPTION	“Boesl Addition” in the SE¼ of the SE¼ of Section 32-T122N-R63W of the 5 th P.M., Brown County, South Dakota
LOCATION	38980 142 nd Street, Warner, SD
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	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring it into compliance.

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

A *PETITION to REZONE* has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the basement of the Courthouse Annex Community Room, on *April 19, 2022, at 7:00 p.m.*

Owner & Petitioner: Jared Steger

Description of property: "Boesl Addition" in the SE¼ of the SE¼ of Section 32-T122N-R63W of the 5th P.M., Brown County, South Dakota (38980 142nd Street, Warner, SD).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

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

Dated this 8th day of April 2022.

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

Published once at the total approximate cost of _____.

YOUR FARM & HOME PLAT & DIRECTORY

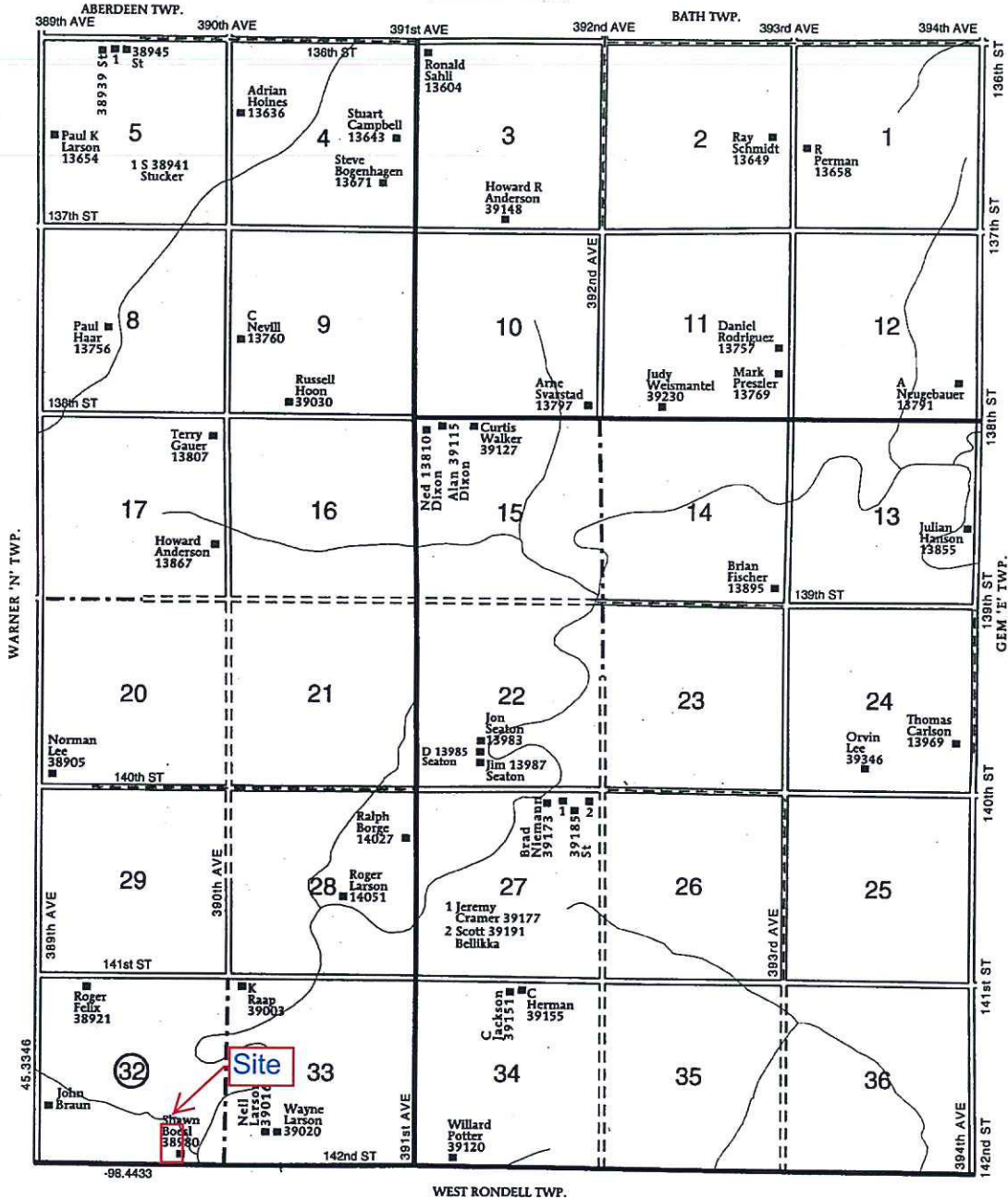
This Directory Contains All Rural Residents, Their Addresses, Outline Of The Farm, Number Of Acres, Telephone Numbers, County Roads, Highways, Interstate, and Landmarks Such As: Rivers, Lakes, Churches and Cemeteries

KEEP IT NEAR YOUR PHONE...You'll Be Surprised At How Many Different Uses You Find For This Handy Rural Directory

T-122-N

GEM 'W' DIRECTORY

R-63-W



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 4-4-2022
Receipt: 620646
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

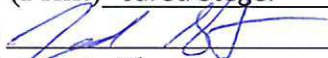
I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

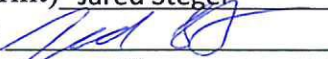
Legal Description:

"Boesl Addition" in the SE1/4 of the SE1/4 of Section 32-T122N-R63W of the 5th P.M.,
Brown County, South Dakota

General Area Location or Street Address: 38980 142nd Street, Warner, SD
From the Agriculture Preservation (AG-P) **District**
To the Mini-Agriculture (M-AG) **District**

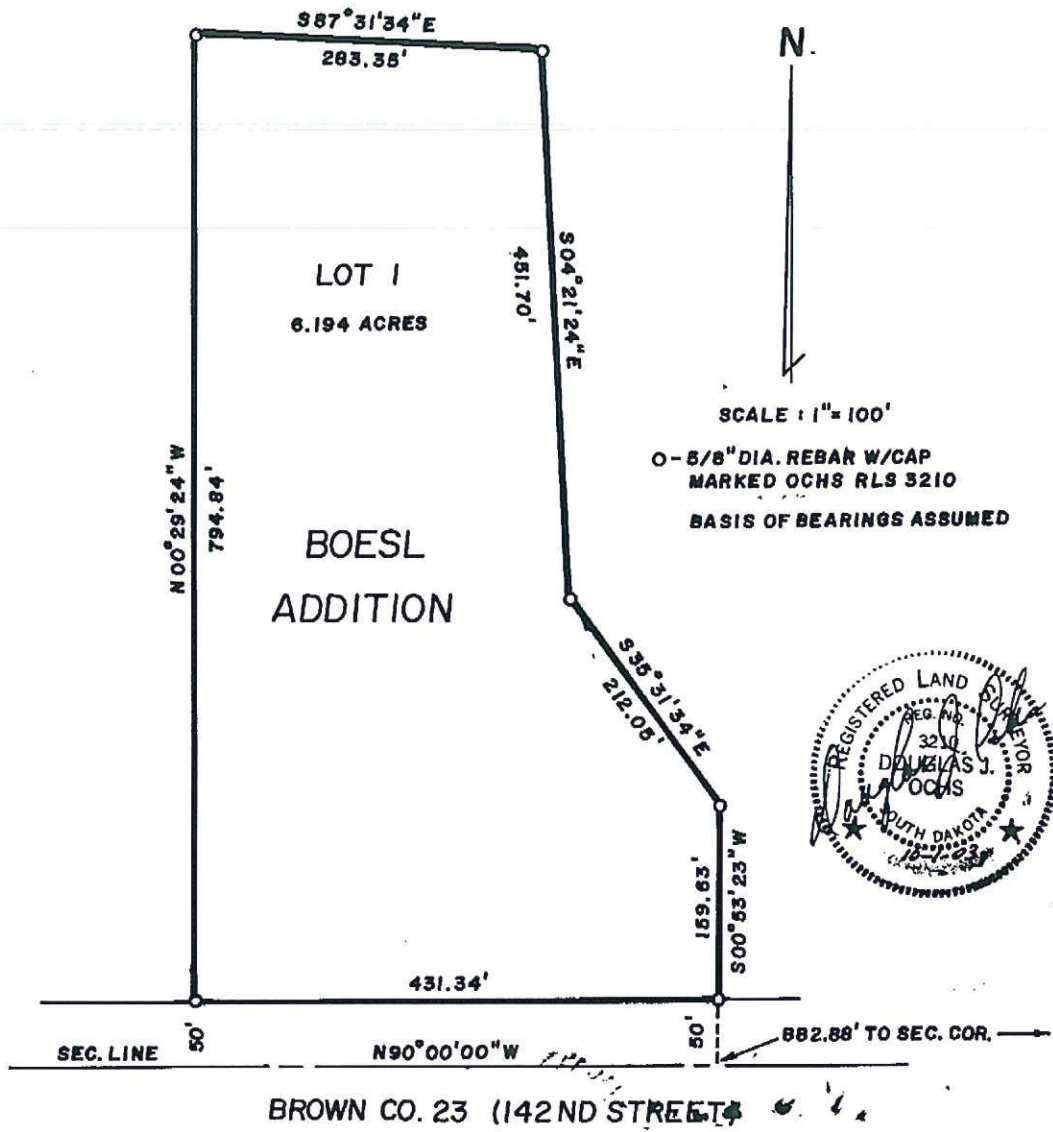
Purpose: To bring this property into compliance for its current use.
Size of Parcel: 6.19 Acres
Existing Land Use: Mini-Agriculture (M-AG)

Petitioner: (Print) Jared Steger
Signature: 
Date: 4-3-2022 Phone: 605-228-6043
Address: 38980 142nd Street
Warner SD 57479
City State Zip

Owner: (Print) Jared Steger
Signature: 
Date: 4-3-2022 Phone: 605-228-6043
Address: 38980 142nd Street
Warner SD 57479
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING
 BOESL ADDITION IN THE SE 1/4 OF THE SE 1/4 OF SEC. 32,
 T. 122 N., R. 63 W. OF THE 5TH P.M., BROWN COUNTY,
 SOUTH DAKOTA



CERTIFICATES FOR - "BOESL ADDITION IN THE SE¼ OF THE SE¼ OF SEC. 32, T. 122 N., R. 63 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA."

OWNER'S CERTIFICATE

We, Braun Farms, Inc., a South Dakota corporation, do hereby certify that we are the owners of the SE¼ of the SE¼ of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota and that we have caused a portion of the same to be surveyed and platted as shown on the accompanying plat which shall hereafter be known and described as "Boesl Addition in the SE¼ of the SE¼ of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," containing 6.194 acres, more or less. We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 12 day of November, 2003.

Gerald Braun TITLE: President
BRAUN FARMS, INC.

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

On this 12 day of November, 2003, before me, a Notary Public, personally appeared Gerald Braun, known to me or satisfactorily proven to be the President of Braun Farms, Inc., a South Dakota Corporation, and who executed the within instrument and who acknowledged that he/she executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 8-30-2004

Marlene Dittus
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Ochs, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "Boesl Addition in the SE¼ of the SE¼ of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," and that I have set iron monuments as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 6th day of October, 2003.

Douglas J. Ochs
Registered Land Surveyor #3210

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 25 day of November, 2003.

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Boesl Addition in the SE¼ of the SE¼ of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

Melvin Taylor
County Auditor, Brown County, South Dakota

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 18 day of November, 2003.

"Be it resolved by the County Plan Commission of Brown County, South Dakota, that the plat showing "Boesl Addition in the SE¼ of the SE¼ of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter, 11-6, and any amendments thereof."

Anthony Jacobson
Secretary, Brown County Plan Commission

TREASURER'S CERTIFICATE

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

Signed this 24th day of November, 2003.

Gene Pachard Co. Deputy Treas
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 24 day of November, 2003.

Maureen H. Hilde
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

filed for record this 26 day of November, 2003, at 7:44 o'clock P.M., and duly recorded in hanging plat file 1921 H.

Carl Storman C. Storman
Register of Deeds, Brown County, South Dakota

CORRECTIVE AFFADAVIT



The following correction is hereby made to the plat entitled "Boesl Addition in the SE1/4 of the SE1/4 of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," filed as Plat 1921H in the office of the Register of Deeds for Brown County, South Dakota:

The Owner's Certificate shall be amended to read "We John and Jacquelyn Braun to hereby certify that we are the owners of the SE1/4 of the SE1/4 of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota and that we have caused a portion of the same to be surveyed and platted as shown on the accompanying plat which shall hereafter be known as "Boesl Addition in the SE1/4 of the SE1/4 of Sec. 32, T. 122 N., R. 63 W. of the 5th P.M., Brown County, South Dakota." We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 11 day of December, 2003.

[Signature]
OWNER - JOHN BRAUN
[Signature]
OWNER - JACQUELYN BRAUN

Signed this 11 day of December, 2003.

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

On this 11 day of December, 2003, before me, a Notary Public, personally appeared John and Jacquelyn Braun, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and who acknowledged that they executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 8-30-2004

[Signature]
Notary Public, Brown County, SD

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

On this 12TH day of December, 2003, before me, a Notary Public, personally appeared Douglas J. Ochs, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

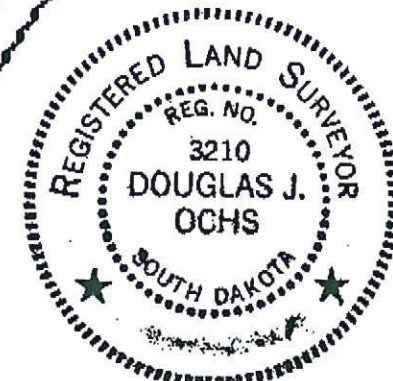
My commission expires: 10-27-09

[Signature]
Notary Public, Brown County, SD

Signed this 12TH day of December, 2003.

[Signature]
Douglas J. Ochs - Registered Land Surveyor

STELLNER ENGINEERING COMPANY
ABERDEEN, SOUTH DAKOTA
605-225-0583

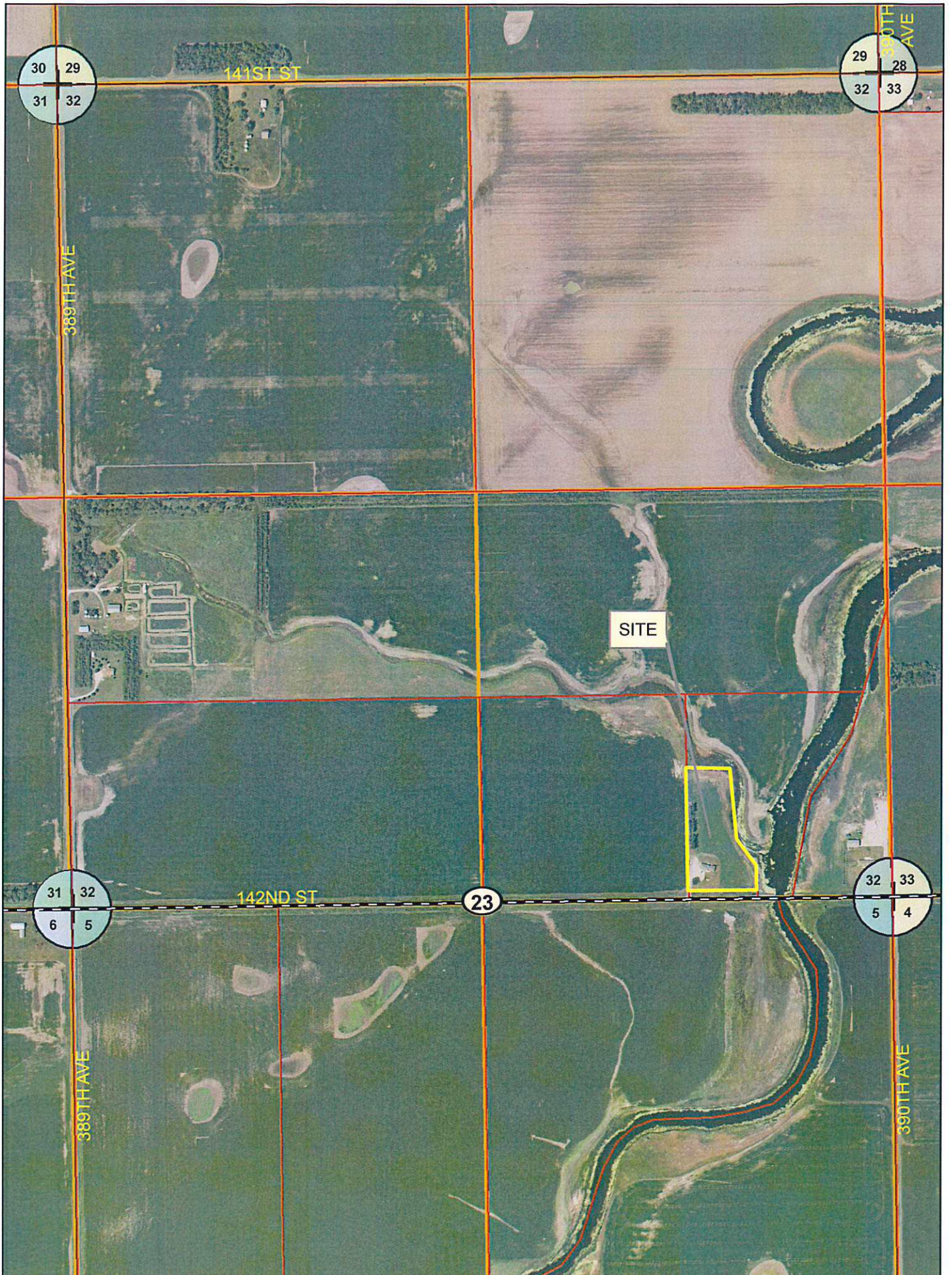


INSTR. NO. 280

BK 130 PAGE 682

03 DEC 12 PM 12:25

CAROL SHERMAN
BROWN CO. S. DAK



30 29
31 32

29 28
32 33

389TH AVE

141ST ST

390TH AVE

SITE

31 32
6 5

142ND ST

23

32 33
5 4

389TH AVE

390TH AVE



SITE

142ND ST

23

Jared Steger
38980 142nd Street
Warner SD 57479

Gem Township
C/O Howard Anderson
39148 137th Street
Aberdeen SD 57401

Larry Frericks
15908 383rd Avenue
Northville SD 57465

Braun Family LLP
PO Box 48
Warner SD 57479

Tim Heilman
38996 142nd Street
Warner SD 57479

Gary Larson
918 N Lloyd Street
Aberdeen SD 57401

Diane Munger
1102 S 114th St Lot 6
Mesa AZ 85208

Susan Cook
379555 North Shore Dr
Aberdeen SD 57401

NOTICE OF HEARING
A PETITION to REZONE
has been submitted to
Brown County Plan-
ning/Zoning Commission. A
hearing will be held in the
basement of the Court-
house Annex Community
Room, on April 19, 2022, at
7:00 p.m.

Owner & Petitioner: Jared
Steger

Description of property:
"Boesl Addition" in the
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section
32-T122N-R63W of the 5th
P.M., Brown County, South
Dakota (38980 142nd Street,
Warner, SD).

Reason: Rezoning from
Agriculture Preservation
District (AG-P) to Mini-
Agriculture District (M-
AG) to bring this parcel
into compliance for its
current use.

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

Dated this 8th day of April
2022.

Planning/Zoning
Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published once at the total
approximate cost of \$19.84

April 8, 2022 7145858

STAFF REPORT

April 19, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcel from **AG-P** to **M-AG** District

ITEM # 11

GENERAL INFORMATION:

PETITIONER:	Edwards Legacy Family Limited Partnership
REQUEST:	Rezone Parcel: AG-P to M-AG District
LEGAL DESCRIPTION:	Proposed Lot 1, "Bauer-Edwards First Addition" in the SW1/4 of Section 10-T123N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	37748 132 nd Street
TOWNSHIP:	Mercier Twp
EXISTING ZONING	Agricultural Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agricultural Preservation District (AG-P)
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to bring this parcel into compliance for its current use.

GENERAL REVIEW: Staff recommends approval.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the basement of the Courthouse Annex Community Room, on April 19, 2022, at 7:00 p.m.

Owner & Petitioner: Edwards Legacy Family Limited Partnership

Description of property: Proposed Lot 1, "Bauer-Edwards First Addition" in the SW1/4 of Section 10-T123N-R65W of the 5th P.M., Brown County, South Dakota (37748 132nd Street; Mercier Twp).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

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

Dated this 8th day of April 2022

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

Published once at the total approximate cost of _____.

POACHING FOODS

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

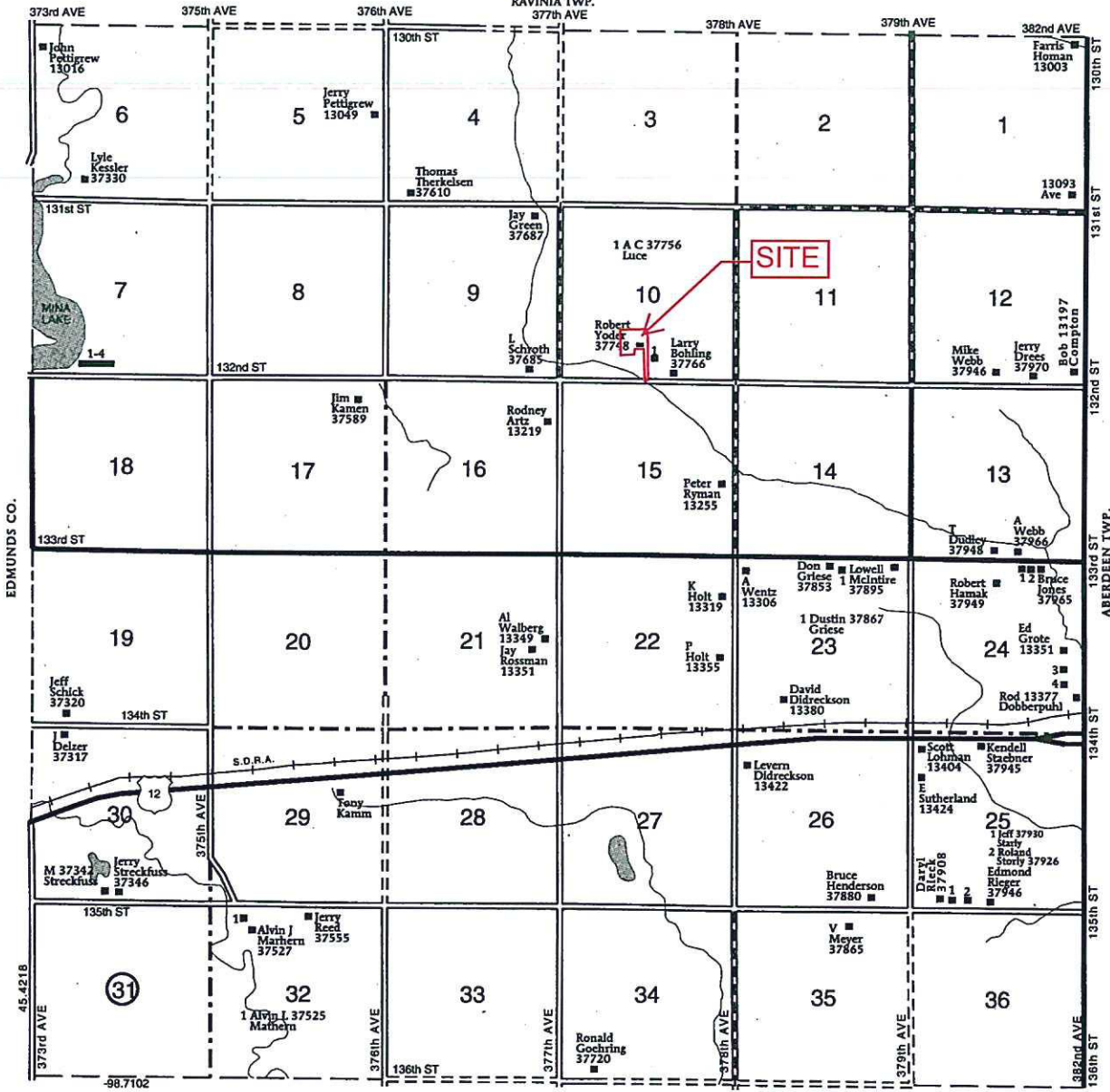
T-123-N

MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)

RAVINIA TWP.



HIGHLAND TWP.

MERCIER TOWNSHIP

- SECTION 7**
 1 Bauer, Bryan 37302
 2 Davis, I 37306
 3 Ernst, Russ 37310
 4 Benton, Dennis 37320
- SECTION 24**
 1 Hehn, Robert 37961
 2 Huber, Kevin 37963
 3 Zinter, Daniel 13365
 4 Hammer, Leland 13371

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 4-5-22
Receipt: 620649
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 I, "Bauer-Edwards First Addition" in the SW1/4 of Section
10-T123N-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 37748 132nd Street
From the Agriculture Preservation District
To the Mini-Ag District

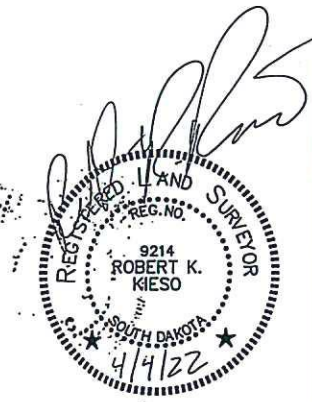
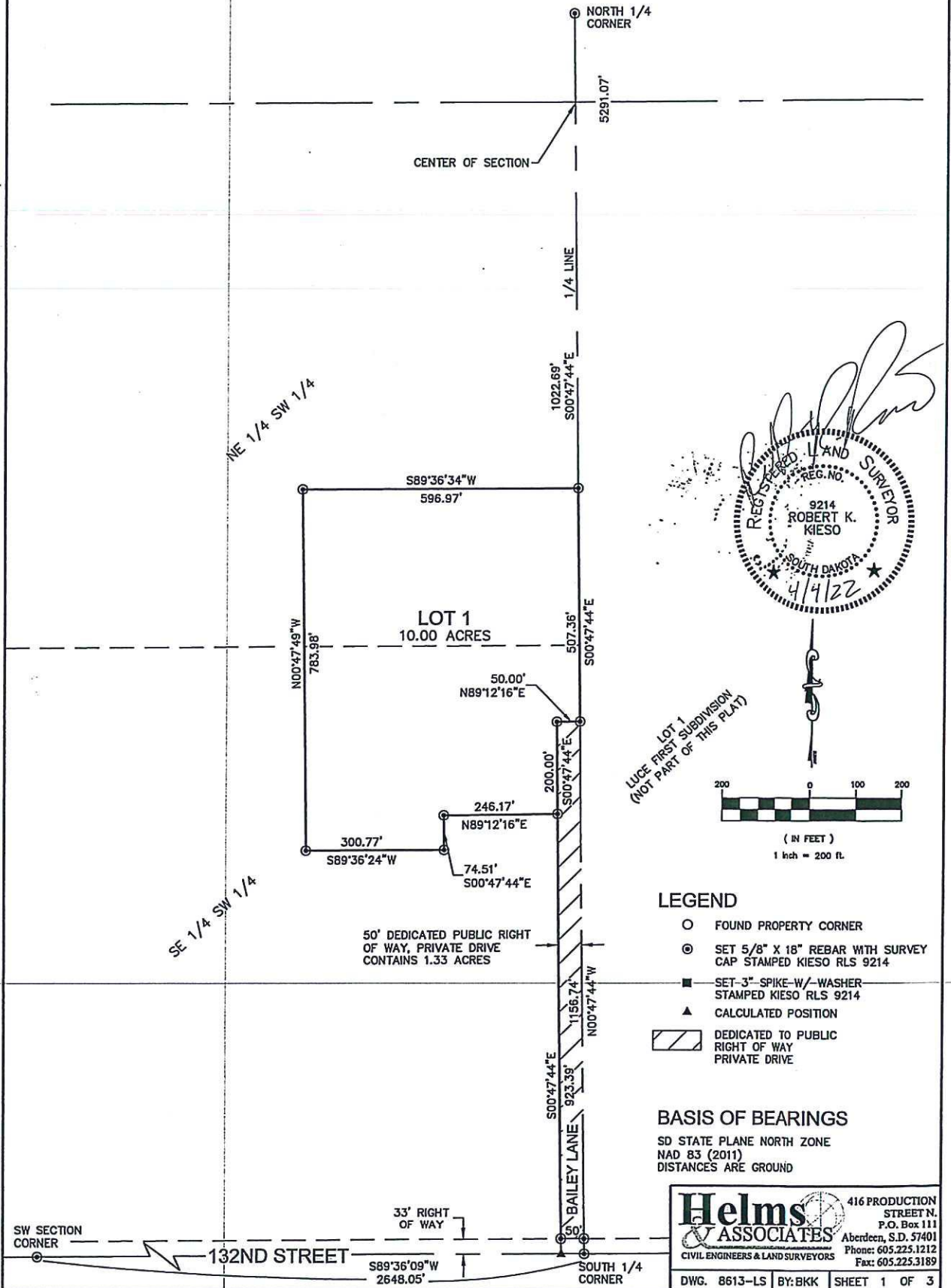
Purpose: To Bring into Compliance
Size of Parcel: Lot 1=10.00 acres
Existing Land Use: Mini-Ag

Bryan & Stacy Bauer for
Petitioner: (Print) Edwards Legacy Family LP
Signature: Stacy Bauer
Date: 4-5-22 Phone: 605-216-4085 (Bryan Bauer)
Address: 37748 132nd Street
Aberdeen, SD 57401
City State Zip

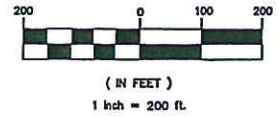
Bryan & Stacy Bauer for
Owner: (Print) Edwards Legacy Family LP
Signature: Stacy Bauer
Date: 4-5-22 Phone: 605-380-3980 (Bill Edwards)
Address: 39109 126th St
Aberdeen, SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



LOT 1
LUCE FIRST SUBDIVISION
(NOT PART OF THIS PLAT)



LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- SET-3" SPIKE-W/-WASHER STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- ▨ DEDICATED TO PUBLIC RIGHT OF WAY PRIVATE DRIVE

BASIS OF BEARINGS

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

Helm
& ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 8613-LS BY: BKK SHEET 1 OF 3

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE W 1/2 OF SECTION 10 T123N R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED A PORTION OF THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

PREVIOUSLY DESCRIBED AS: W 1/2 OF SECTION
10 T123N R65W OF THE 5TH P.M., BROWN COUNTY,
SOUTH DAKOTA.

EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP

Partner
TITLE
Kelly Rae Haskell
KELLY RAE HASKELL
Signed this 4th day of April, 2022

CORPORATE ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown SS.
ON THIS THE 4th DAY OF April, 2022 BEFORE ME, Lisa A. Jorgenson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED KELLY RAE HASKELL OF EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP, AND THAT HE/SHE, AS SUCH AS Partner, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP BY HIMSELF (HERSELF) AS Kelly Rae Haskell

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: Oct. 15, 2024

Lisa A. Jorgenson, Lisa A. Jorgenson
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W 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. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS 4TH DAY OF APRIL, 2022.

Robert K. Kieso
ROBERT K. KIESO RLS #9214

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 BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-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

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 BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-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

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

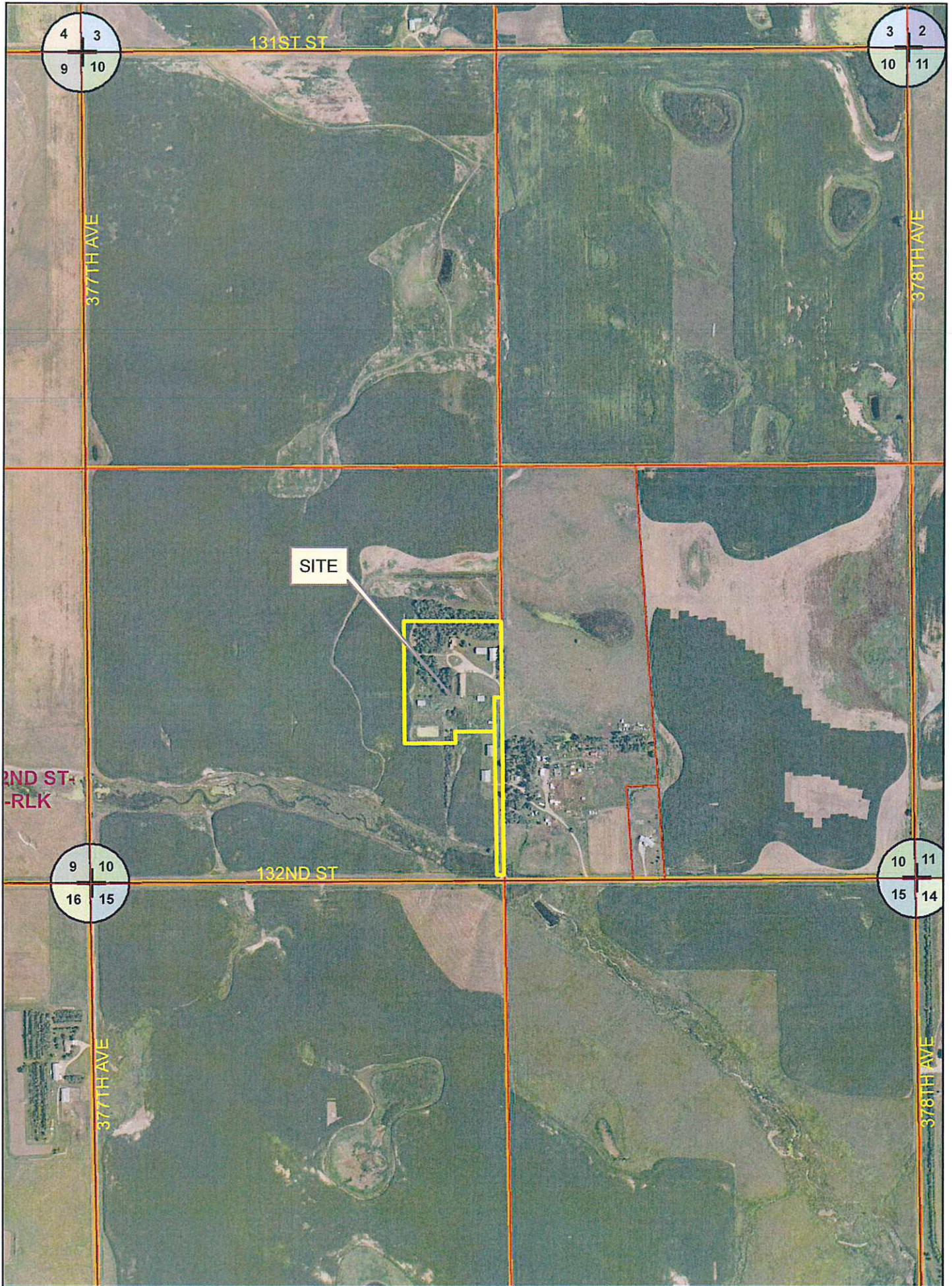
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS _____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



131ST ST

377TH AVE

378TH AVE

SITE

132ND ST - RLK

132ND ST

377TH AVE

378TH AVE



SITE

132ND ST

Edwards Legacy Family LP
39109 126th Street
Aberdeen SD 57401

Mercier Township
C/O Jason Herbeck
13422 378th Avenue
Aberdeen SD 57401

Sheryl Erickson
214 N Main Street Ste 1
Aberdeen SD 57401

Ka Squire
902 S Main Street
Aberdeen SD 57401

R & R Beitelspacher LLC
3806 3rd Street E
West Fargo ND 58078

Bryan & Stacy Bauer
37748 132nd Street
Aberdeen SD 57401

NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the basement of the Courthouse Annex Community Room, on April 19, 2022, at 7:00 p.m.

Owner & Petitioner:
Edwards Legacy Family Limited Partnership

Description of property:
Proposed Lot 1, "Bauer-Edwards First Addition" in the SW1/4 of Section 10-T123N-R65W of the 5th P.M., Brown County, South Dakota (37748 132nd Street; Mercier Twp).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

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

Dated this 8th day of April 2022
Planning/Zoning Commission
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once at the total approximate cost of \$20.40
April 8, 2022 7145900

STAFF REPORT

April 19, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 12

GENERAL INFORMATION:

PETITIONER/AGENT:	Edwards Legacy Family Limited Partnership
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Bauer-Edwards First Addition” in the SW1/4 of Section 10-T123N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	37748 132 nd Street
TOWNSHIP:	Mercier 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:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for development purposes.

GENERAL REVIEW: Staff recommends approval.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Bauer-Edwards

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE SW QUARTER OF SECTION 10, TOWNSHIP 123 NORTH, RANGE 65 WEST
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: SW SECTION: 10 TOWNSHIP: 123 RANGE: 65

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Edwards Legacy Family Living Trust

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 04 / 05 /20 22

RECEIVED BY PLANNING DEPARTMENT: 04 / 04 /20 22 BY: Ron Keller

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

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

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

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: X OR KNOWN MARKER: _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: _____

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR _____ TREASURER SIGNATURE LINE SIGNED _____

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

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: March 25, 2022
RECEIPT # 620650
TOWNSHIP: Mercier Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 4-5-22

OWNERS SIGNATURE: Edwards Legacy Family LP
OWNERS ADDRESS: 39109 126th St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-3980

AGENTS SIGNATURE: Stacy Bauer 
AGENTS ADDRESS: 37748 132nd St
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-216-4138

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Bauer-Edwards First Addition" in the SW1/4 of Section 10-
T123N-R65W of the 5th P.M., Brown County, South Dakota
(37748 132nd Street; Mercier Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: April 19, 2022 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

POACHING FOODS

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

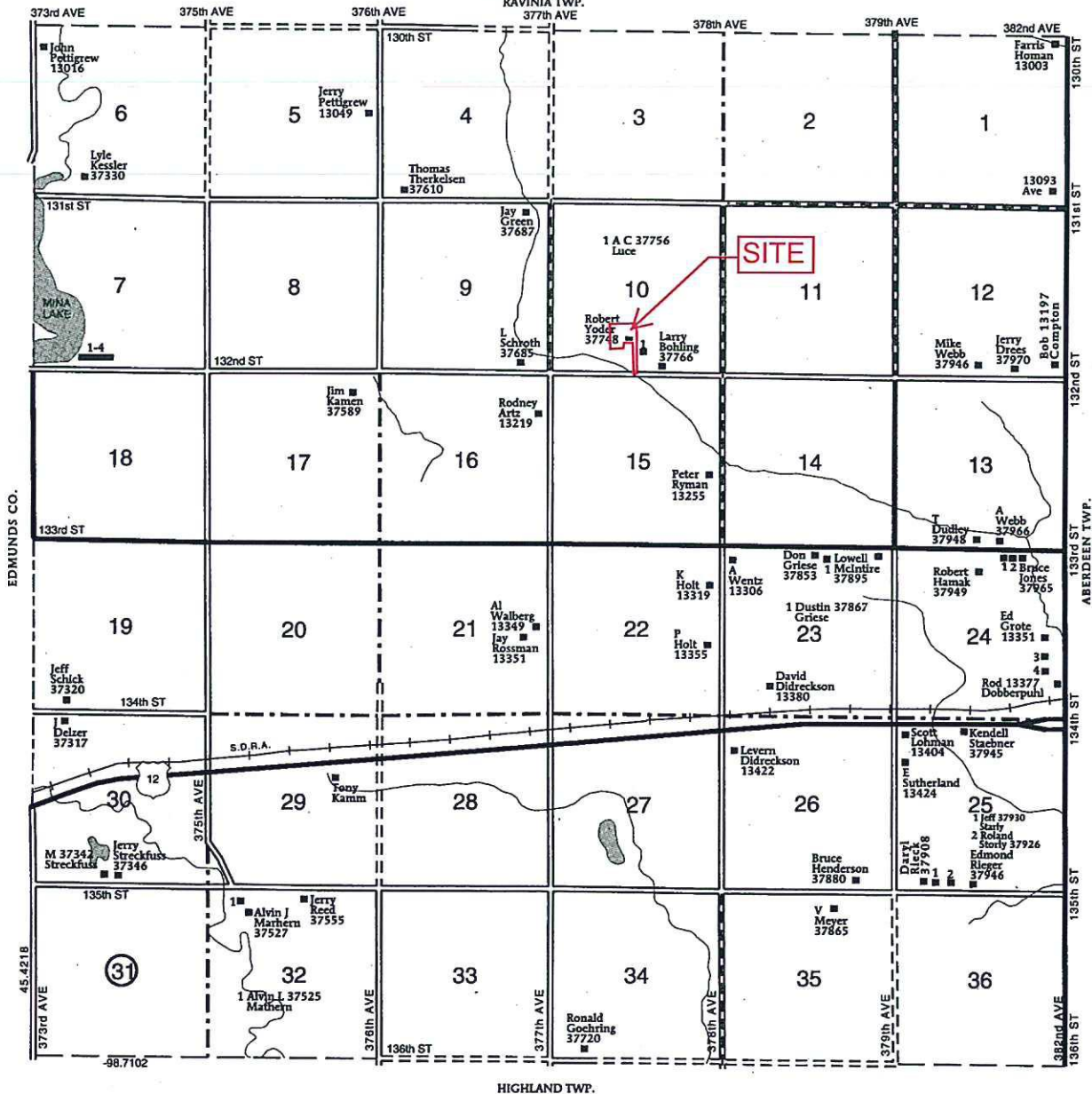
T-123-N

MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)

RAVINIA TWP.



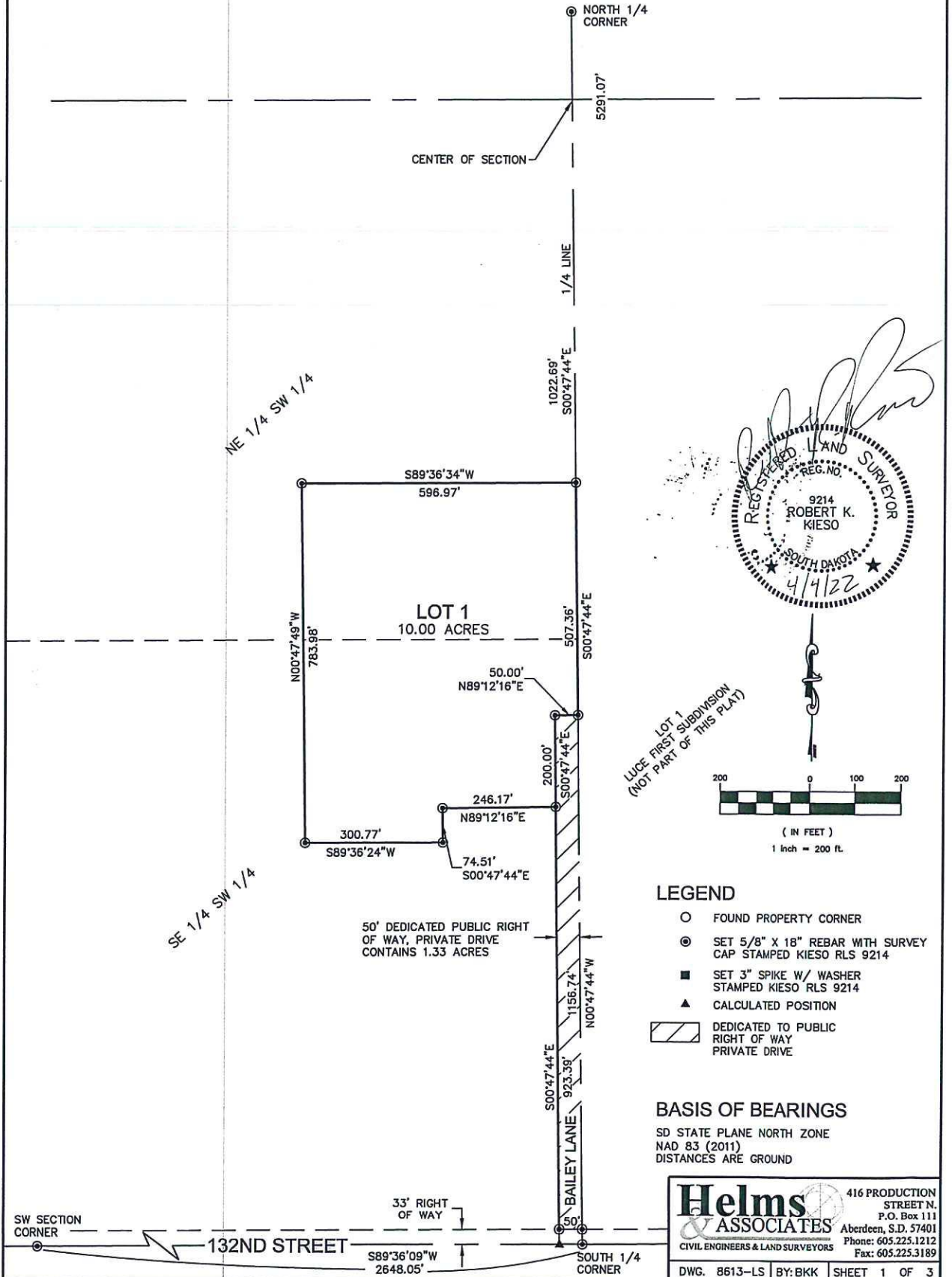
MERCIER TOWNSHIP
SECTION 7

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

SECTION 24

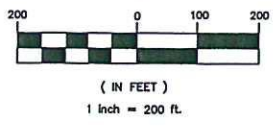
- 1 Hehn, Robert 37961
- 2 Huber, Kevin 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leland 13371

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



REGISTERED LAND SURVEYOR
 9214
 ROBERT K. KIESO
 SOUTH DAKOTA
 4/4/22

LOT 1
 LUCE FIRST SUBDIVISION
 (NOT PART OF THIS PLAT)



LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- SET 3" SPIKE W/ WASHER STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- ▨ DEDICATED TO PUBLIC RIGHT OF WAY PRIVATE DRIVE

BASIS OF BEARINGS

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

Helms & ASSOCIATES
 CIVIL ENGINEERS & LAND SURVEYORS
 416 PRODUCTION STREET N.
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE W 1/2 OF SECTION 10 T123N R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED A PORTION OF THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

PREVIOUSLY DESCRIBED AS: W 1/2 OF SECTION
10 T123N R65W OF THE 5TH P.M., BROWN COUNTY,
SOUTH DAKOTA.

EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP

Partner
TITLE

Kelly Rae Haskell
KELLY RAE HASKELL

Signed this 4th day of April, 2022

CORPORATE ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown JSS
ON THIS THE 4th DAY OF April, 2022, BEFORE ME, Lisa A. Jorgenson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED KELLY RAE HASKELL OF EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP, AND THAT HE/SHE, AS SUCH AS Partner, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF EDWARDS LEGACY FAMILY LIMITED PARTNERSHIP BY HIMSELF (HERSELF) AS Kelly Rae Haskell.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: Oct 15, 2024

Lisa A. Jorgenson, Lisa A. Jorgenson
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W 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. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS 4TH DAY OF APRIL, 2022.

Robert K. Kieso
ROBERT K. KIESO RLS #9214

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 BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-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

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 BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-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

PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

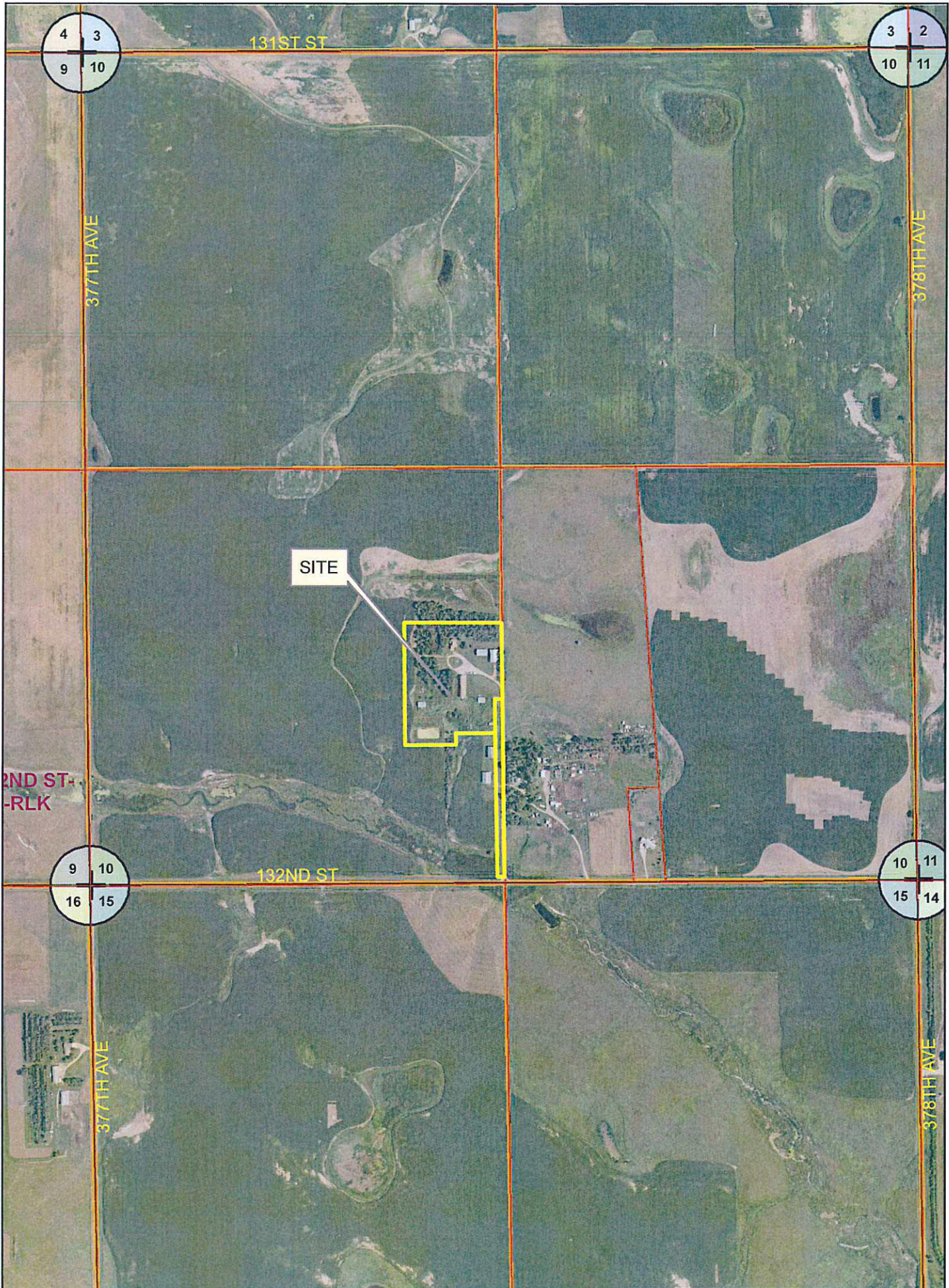
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



131ST ST

377TH AVE

378TH AVE

SITE

2ND ST -
-RLK

132ND ST

377TH AVE

378TH AVE



SITE

132ND ST

STAFF REPORT

April 19, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Preliminary & Final Plat:

ITEM # 13

GENERAL INFORMATION:

PETITIONER/AGENT:	Brandon & Jessica Papa
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Papa Subdivision” in Stratford South Dakota, located in the SW1/4 of Section 4-T121N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION:	City of Stratford
TOWNSHIP:	East Rondell Twp
EXISTING ZONING	Rural Urban District (RU)
SURROUNDING ZONING:	
North:	Mini-Ag District (M-AG)
South:	Rural Urban District (RU)
East:	Rural Urban District (RU)
West:	Rural Urban District (RU)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for development purposes.

GENERAL REVIEW: Staff recommends approval.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Papa

PLAT OF
PAPA SUBDIVISION
IN THE SW QUARTER OF SECTION 4, TOWNSHIP 121 NORTH, RANGE 62 WEST
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: SW SECTION: 4 TOWNSHIP: 121 RANGE: 62

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Brandon Papa

OWNERS NAMES: Jessica Papa

ENGINEER OR SURVEYOR: Cory Biegler (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 03 / 11 /20 22

RECEIVED BY PLANNING DEPARTMENT: 03 / 11 /20 22 BY: Ron Keller

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

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

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

EXISTING ACCESS SHOWN ON PLAT: _____ ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: _____ OR QUARTER CORNER: _____ OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) _____ SIGNATURE LINE SIGNED: _____

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

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: March 11, 2022
RECEIPT # 620629
TOWNSHIP: Stratford Twp
E. RONDELL

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 3-11-22

OWNERS SIGNATURE: Brandon & Jessica Papa *Jessica Papa*
OWNERS ADDRESS: 109 N 4th St
OWNERS CITY, STATE, ZIP: Groton, SD 57445
OWNERS PHONE: 856-649-5939
Jessica.Kapet@hotmail.com

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

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Papa Subdivision" in Stratford South Dakota, located in the SW1/4 of Section 4-T121N-R62W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: April 19, 2022 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

Thank You

Farm & Home Publishers

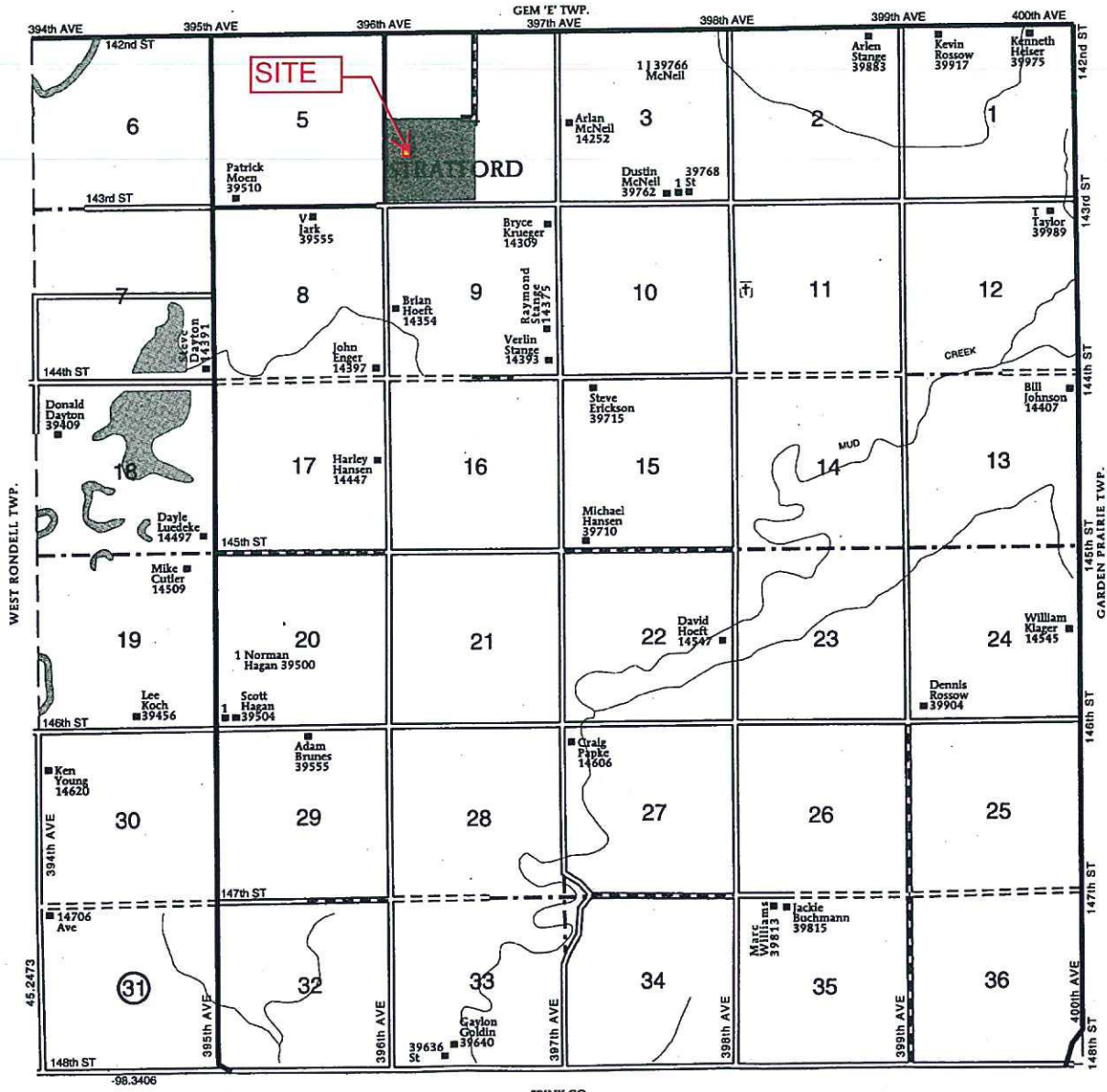
Extends Its Thanks To All The Businesses Who Have Made This Plat & Directory Possible Through Their Advertisements. These Advertisers Are Community-Minded Individuals Who Are Willing To Support This Plat & Directory. Support These Fine Businesses!

T-121-N

EAST RONDELL DIRECTORY

R-62-W

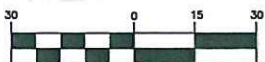
(Residents - Owners or Renters)



PLAT OF PAPA SUBDIVISION IN STRATFORD SOUTH DAKOTA, LOCATED IN THE SW 1/4 SECTION 4-T121N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

LEGEND

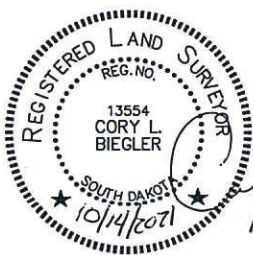
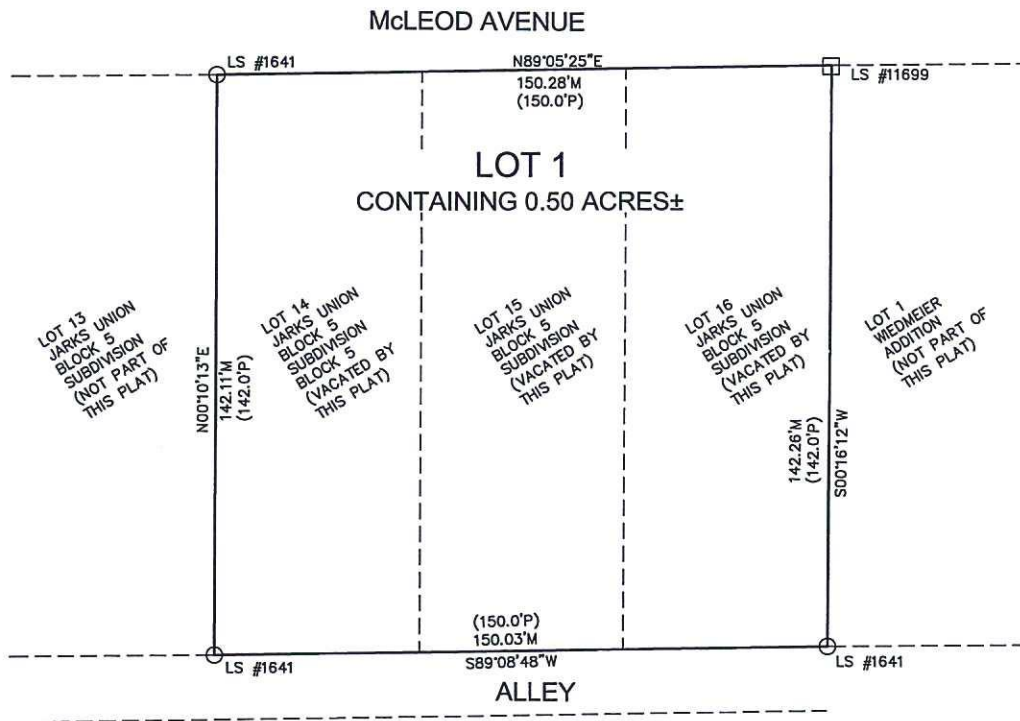
- FOUND PROPERTY CORNER (RLS #1641)
- FOUND PROPERTY CORNER (RLS #11699)
- 150.28'M DISTANCE MEASURED THIS SURVEY
- (150.0'P) PLATTED DISTANCE



(IN FEET)
1 inch = 30 ft.

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD '83 (2011)
ALL DISTANCES ARE IN GROUND
ALL COORDINATES ARE IN GRID

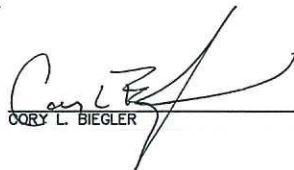


Helm & Associates
 CIVIL ENGINEERS & LAND SURVEYORS
 116 Production St. North
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189

PLAT OF
PAPA SUBDIVISION
IN STRATFORD SOUTH DAKOTA, (LOCATED IN THE
SW 1/4 SECTION 4-T121N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA)

SURVEYOR'S CERTIFICATE

I, CORY L. BIEGLER, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF BRANDON PAPA AND JESSICA PAPA AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO 10/4/21, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: PAPA SUBDIVISION IN STRATFORD SOUTH DAKOTA (LOCATED IN THE SW 1/4 SECTION 4-T121N-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 14 DAY OF OCTOBER, 2021.


CORY L. BIEGLER RLS #13554

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS: PAPA SUBDIVISION IN STRATFORD SOUTH DAKOTA (LOCATED IN THE SW 1/4 SECTION 4-T121N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA). AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 11 DAY OF March, 2022

PREVIOUSLY DESCRIBED AS:

LOTS 14-16 JARKS UNION
BLOCK 5 SUBDIVISION
STRATFORD, SD
(IN SW 1/4 SECTION 4-T121N-R62W
OF 5TH P.M., BROWN COUNTY, SOUTH DAKOTA)


BRANDON PAPA


JESSICA PAPA

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 JARK UNION BLOCK 5 SUBDIVISION, AS RECORDED AS HANGING PLAT #3407 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 11 DAY OF March, 2022


BRANDON PAPA



JESSICA PAPA

ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown)SS

ON THIS THE 11 DAY OF March, 2022 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BRANDON PAPA AND JESSICA PAPA KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.




NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: 11-2-27

PLAT OF
PAPA SUBDIVISION
IN STRATFORD SOUTH DAKOTA, LOCATED IN THE
SW 1/4 SECTION 4-T121N-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 PAPA SUBDIVISION IN STRATFORD SOUTH DAKOTA (LOCATED IN THE SW 1/4 SECTION 4-T121N-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 PAPA SUBDIVISION IN STRATFORD SOUTH DAKOTA (LOCATED IN THE SW 1/4 SECTION 4-T121N-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

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

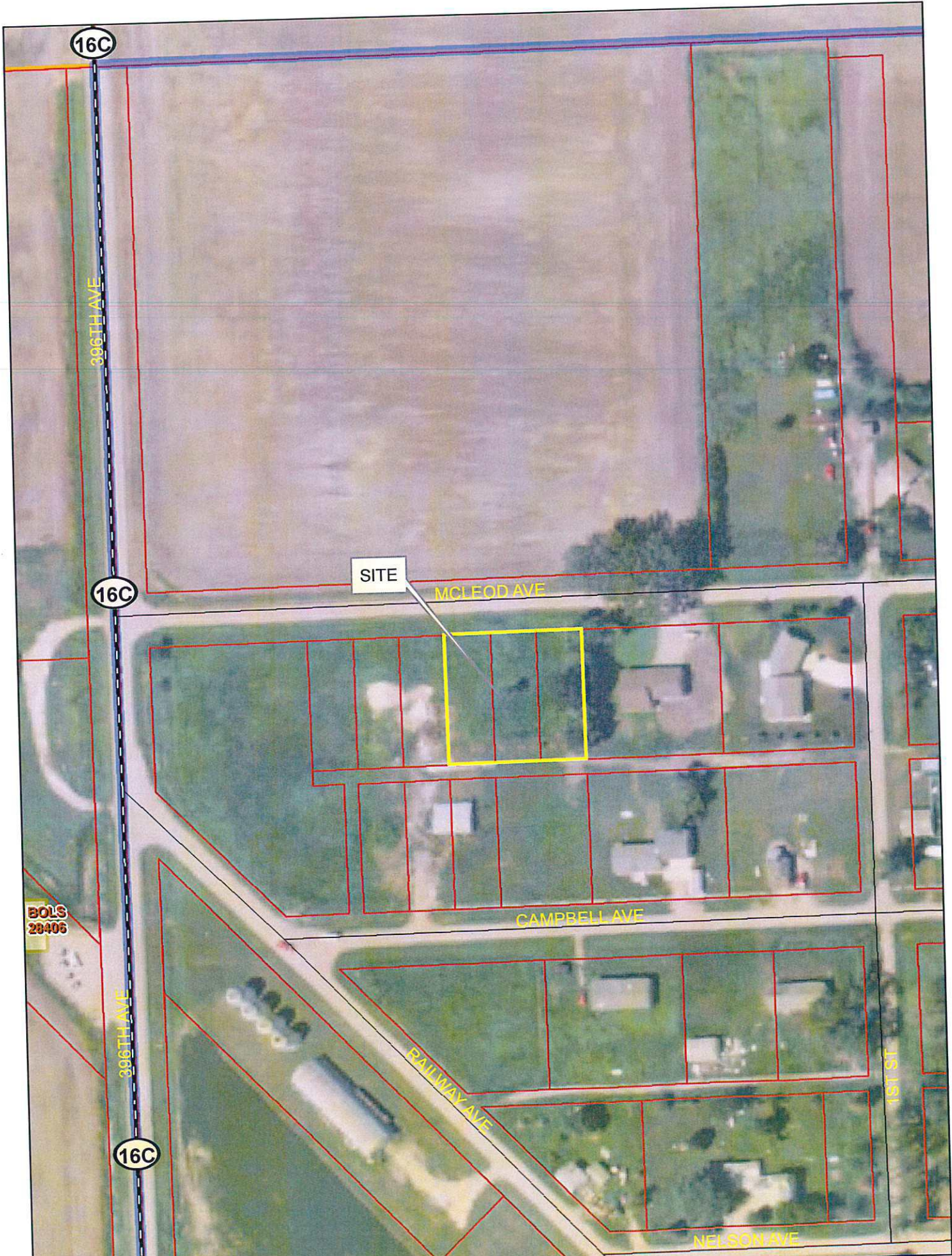
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 11th DAY OF March, 2022.

Doreen Bouchard Co. Auditor Treas.
 COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

 REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



16C

396TH AVE

SITE

MCLEOD AVE

16C

BOLS
28406

396TH AVE

CAMPBELL AVE

16C

RAILWAY AVE

1ST ST

NELSON AVE

MCLEOD AVE

SITE



STAFF REPORT

April 19, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Preliminary Plat

ITEM # 14

GENERAL INFORMATION:

PETITIONER:	Aaron Donat, Pelkofer Trust
REQUEST:	PRELIMINARY PLAT
LEGAL DESCRIPTION:	Proposed "Prairie Point First Elm Lake Addition" in the S1/2 of the SE1/4 of Section 8-T128N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	10191 376 th Avenue
TOWNSHIP:	Palmyra Twp
EXISTING ZONING	Lakefront Residential District (R-3)
SURROUNDING ZONING:	
North:	Lakefront Residential District (R-3)
South:	Lakefront Residential District (R-3)
East:	Conservation District (CN)
West:	Elm Lake (AG-P2)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary Plat for review which includes a new road named "Pelkofer Drive". Title 5 Subd. Ordinances require Preliminary Plat Review with a new dedicated road & road name.

GENERAL REVIEW: Staff has reviewed. We do not have an HOA document submitted and do not have Covenants submitted at time of preparing this. Planning Commission may approve preliminary plat with stipulations of these being submitted with final plat review or table this item to the next meeting following the submittal of the documents.

BROWN COUNTY PLANNING & ZONING COMMISSION

(PRELIMINARY)
APPLICATION FOR PLAT APPROVAL

DATE: March 22, 2022
RECEIPT # 620640
TOWNSHIP: Palmyra

FEES: \$ 25.00
PAID: YES/NO CHK/CASH #1087
DATE: 3-30-2022

OWNERS SIGNATURE: Timothy R. Pelkofer
Attn: Julie Waage
OWNERS ADDRESS: 3112 W Crimson
OWNERS CITY, STATE, ZIP: Sioux Falls, SD 57108
OWNERS PHONE: 605-360-3450

AGENTS SIGNATURE: Aaron Donat, Pelkofer Trust
AGENTS ADDRESS: 6193 Martens Way
AGENTS CITY, STATE, ZIP: Fargo, ND 58104
AGENTS PHONE: 701-238-2951

REQUEST: Preliminary Plat & Drawing

LEGAL DESCRIPTION: Proposed "Prairie Point First Elm Lake Addition"
~~Proposed "Pelkofer-Lorenzen Elm Lake Subdivision"~~, in the S1/2 of
the SE1/4 of Section 8-T128N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: April 19, 2022 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

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

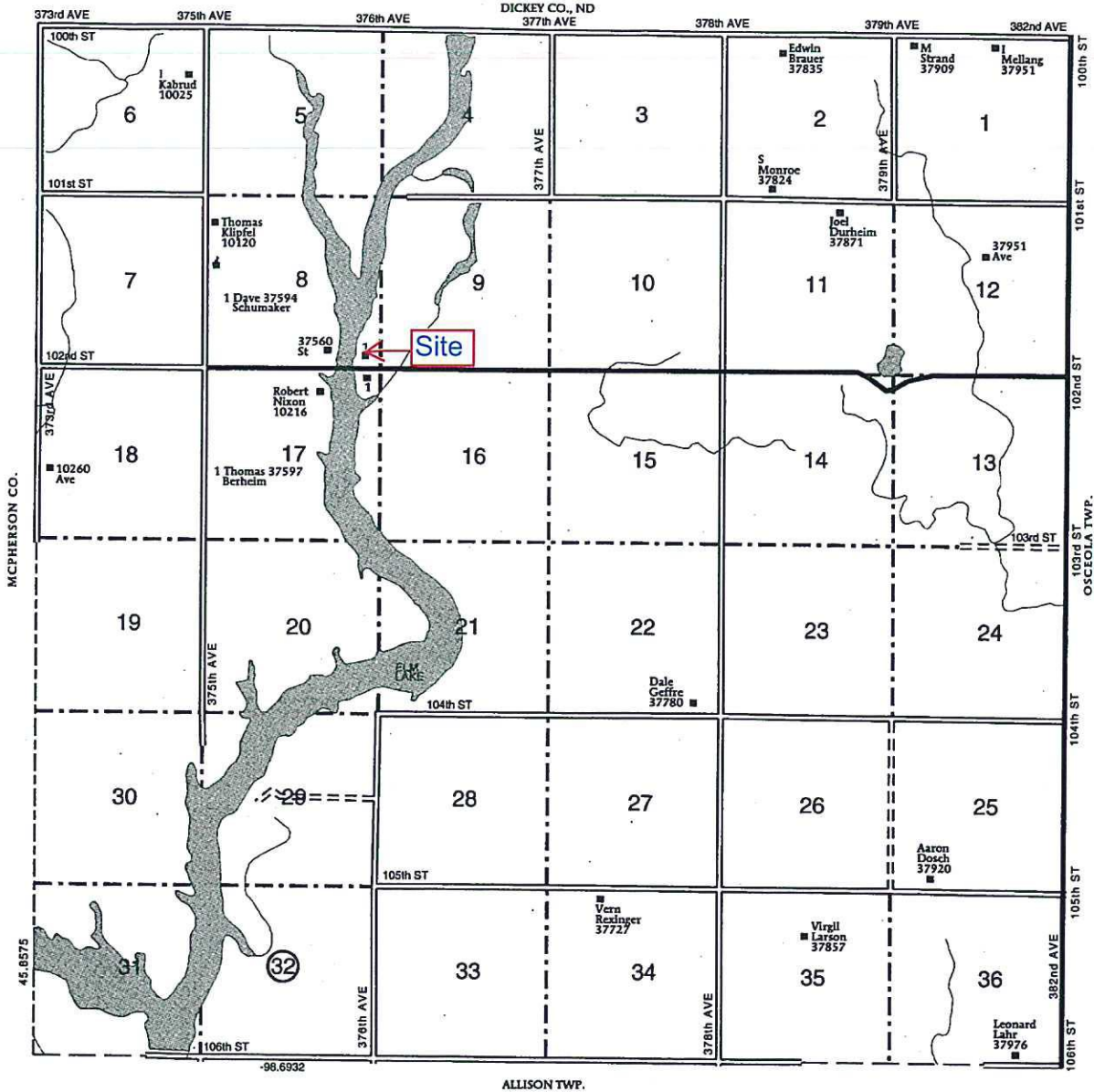
email: amanda.engebretson@farmandhomepublishers.com

T-128-N

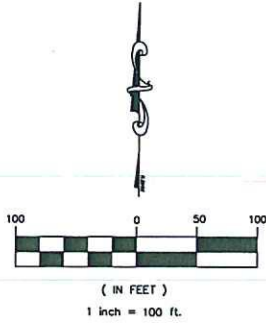
PALMYRA DIRECTORY

(Residents - Owners or Renters)

R-65-W



PLAT OF PRAIRIE POINT FIRST ELM LAKE ADDITION IN THE S 1/2 SE 1/4 OF SECTION 8 T128N R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



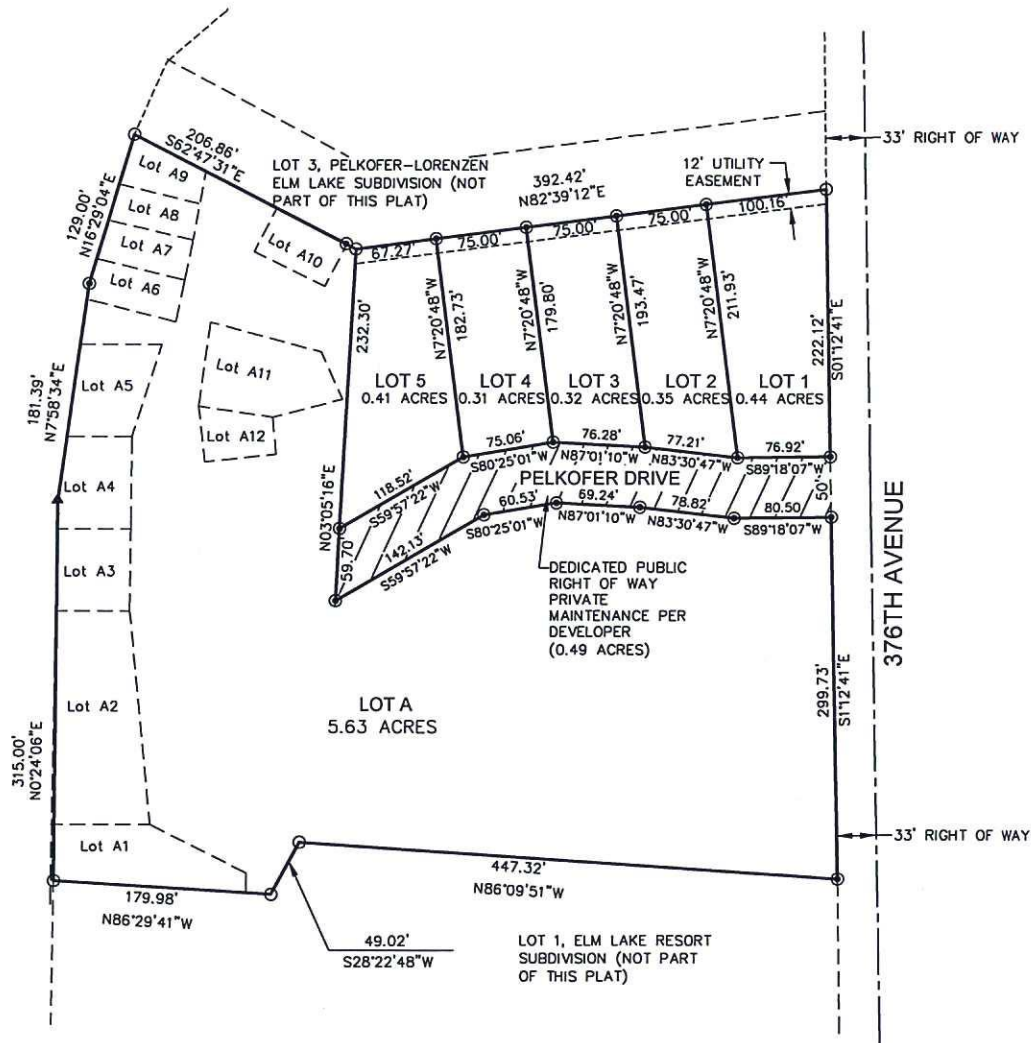
LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- ▨ DEDICATED PUBLIC RIGHT OF WAY



BASIS OF BEARINGS

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



DWG.- 8596-LS PLAT

Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

TITLE 5 SUBDIVISION REGULATIONS

CHAPTER 5.01	General Provisions
CHAPTER 5.02	Procedures
CHAPTER 5.03	Design Standards
CHAPTER 5.04	Improvements
CHAPTER 5.05	Covenants and Guarantees
CHAPTER 5.06	Preliminary Plat Exemption
CHAPTER 5.07	Enforcement
CHAPTER 5.08	Violation and Penalties
CHAPTER 5.09	Severability Clause
CHAPTER 5.10	Legal Status Provisions

CHAPTER 5.01 GENERAL PROVISIONS

- 5.0101 Purpose. These regulations shall be for the purpose of implementing the Brown County Comprehensive Plan by shaping development patterns and providing for consistency in the quality of development.
- 5.0102 Jurisdiction. These regulations shall apply within the unincorporated areas of Brown County, South Dakota, and including the incorporated municipalities of Claremont, Columbia, Verdon and Stratford, yet excluding areas of joint jurisdiction with Frederick (1/2 mile), Groton (1 mile), Hecla (1 mile) and Warner (1-1/2 mile). (Ordinance 087 amendment)
- 5.0103 Extent of Regulations.

1. The provisions of these regulations shall apply to every addition to, or subdivision within, any city or town listed within subchapter 5.0102, provided that if the land or any part thereof included in any such addition or subdivision is within, adjoining or contiguous to the boundaries of any city or town, listed in 5.0102 the plat thereof, before being recorded, shall be submitted to the governing body thereof, which shall thereupon examine the same, and it shall appear that the system of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city or town, and that all taxes, if any, upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have been executed according to law, such governing body shall approve the same, and the auditor or clerk shall endorse on such plat a certification of acceptance. No plat of any such addition or subdivision so situated shall be entitled to record or be recorded unless the same bears the acceptance certificate of the auditor or clerk.
2. Whenever any person wishes to plat any lands outside the boundaries of a municipality which are not included in 5.0103 (1), he/she shall be governed by and proceed in accordance with the provisions of these regulations, except that before recording his/her plat, he/she shall submit the same for review as outlined within these regulations.

5.0104 Definitions. For the purposes of this Title, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural number and plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

The word building includes the word structure.

ALLEY: A public right-of-way, which is used primarily as a secondary means of access to the abutting property.

BOARD: As used shall mean Board of County Commissioners of Brown County.

BLOCK: A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted land or a combination thereof.

COMMISSION: Planning and Zoning Commission of Brown County, South Dakota.

CUL-DE-SAC: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.

COUNCIL: Town or city council of a municipality in Brown County, South Dakota.

LOT: A portion of a subdivision or other parcel of platted land, intended as a unit for transfer of ownership or for development.

LOT OF RECORD: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of Brown County, South Dakota.

COMPREHENSIVE PLAN: A long-range plan for the improvement and development of Brown County, South Dakota, as adopted by the Planning and Zoning Commission and Board of County Commissioners.

IMPROVEMENTS: Pavements, curbs, gutters, sidewalks, water main, sanitary sewers, storm sewers, grading, street signs, plantings, and other items for the welfare of the property owners and the public.

PLAT: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

STREET: A thoroughfare, dedicated to public use, which affords a primary means of access to the abutting property.

RIGHT-OF-WAY: A strip of land separating private property from the existing road, street or alley or dedicated in public ownership.

SUBDIVIDER: A person, firm, co-partnership, association, or corporation who submits a proposed subdivision to the Planning Commission.

SUBDIVISION: Subdivision means:

1. The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose of transferring ownership or for building development;
2. After the division of land each parcel, tract, or lot forty (40) acres or greater and used exclusively for agricultural purposes shall not be deemed a subdivision.

WATER COURSE, DRAINAGE WAY, CHANNEL, OR STREAM: A natural or man-made depression in which a current of surface runoff water flows following participation.

CHAPTER 5.02 PROCEDURES

- 5.0201 Preapplication. Prior to the subdivision of any land, the subdivider or his agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, Title 4 Zoning, and compatibility with the Comprehensive Plan.
- 5.0202 Preliminary Application Fee. The subdivider shall pay to the Zoning Administrator, to be deposited in the county-general fund, a preliminary fee of ~~ten (\$10) dollars~~ before the application.
- 5.0203 Preliminary Application. The subdivider or his agent shall prepare and submit to the Planning Commission the following:
1. Six (6) copies of the preliminary plat, drawn to a scale of one (1) inch to two hundred (200) feet or larger. All preliminary submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:
 - a. Receipt for preliminary fee.
 - b. Proposed name of the subdivision, which shall not duplicate previously filed plat names
 - c. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - d. Names and addresses of the subdivider, engineer, surveyor, or landscape architect responsible for the survey or design.
 - e. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - f. Existing contours wherever five (5) feet of deviation occurs.
 - g. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.
 - h. Zoning classification and existing and proposed land use.
 - i. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements.
 - j. Written and signed statements by the appropriate officials, obtained by the subdivider, ascertaining the availability of gas, electricity, and water to the proposed subdivision.

k. Layout, number, and approximate dimensions of lots and the number of each block.

l. The owner of any parcel of land proposing to develop such land for residential or commercial purposes shall obtain written approval of the proposed access to an abutting highway or street from the appropriate highway or street authority. The approval shall be obtained prior to filing of the plat in accordance with this chapter and may not replace the need for any permits required by law.

2. The preliminary plat must be submitted to the Zoning Administrator at least ten (10) days prior to action by the Planning Commission.

3. Before the preliminary plat is reviewed, the governmental entity (town or township) in which the proposed subdivision is located will be notified at least five (5) days in advance of the preliminary plat review date.

4. The Commission shall approve or disapprove the preliminary plat within sixty (60) days. Approval of the preliminary plat by the Commission shall be void at the end of one (1) year unless a final plat has been submitted.

5. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations and/or other such conditions as may increase the danger of health, life or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

6. Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat. If disapproved, the subdivider may appeal the Board of County Commissioners to overturn the decision of the Planning Commission.

5.0204 Final Plat Application.

1. The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be twenty-five (\$25) dollars plus one (\$1) dollar per acre for all parcels or lots larger than one (1) acre in size, rounded to the next highest whole number.

2. Exemption (also see Chapter 5.06) whenever the preliminary application is waived, final plats must be submitted to the Zoning Administrator at least five (5) working days prior to its review by the Planning Commission.

5.0205 Final Plat Requirements and Approval. The subdivider shall prepare and submit to the Planning Commission the following, prepared by land surveyor registered in the State of South Dakota:

1. Six (6) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches. All final plat submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:

a. The name of the subdivision, location by section, township, range, county, and state.

- b. Name(s) of the subdivider, engineer, surveyor or landscape architect responsible for the survey or design.
- c. A scale, north point and key map, showing the general location of the proposed subdivision in relation to the surrounding development and in relation to the section in which it is located.
- d. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
- e. Location and description of all monuments.
- f. Descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
- g. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivider consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
- h. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
- i. One (1) copy of any private restriction or covenants affecting the subdivision or any part thereof.
- j. The following format shall be used for the required signatures:
- 1.Owner's Certificate;
 - 2.Surveyor's Certificate;
 - 3.Treasurer's Certificate;
 - 4.Planning/Zoning Commission Certificate;
 - 5.Governing Body Certificate;
 - 6.Director of Equalization Certificate; and
 - 7.Register of Deeds Certificate.

CHAPTER 5.03 DESIGN STANDARDS

5.0301 General Standards. Land within the proposed subdivision which the Planning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

5.0302 Streets and Alleys.

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.

2. Minor residential streets shall be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turnaround having a curb line diameter of not less than eighty (80) feet. This also applies to private roadways.

3. Centerline offsets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.

4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.

5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.

6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.

7. Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access.

8. The right-of-way widths and pavement widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

MINIMUM TYPE	DRIVING WIDTH	ROW
Major Arterial Streets (County)	28	100
Secondary Streets (Townships)	28	66
Local Streets	24, if off-street parking 44, if on-street parking	50

9. The horizontal alignment on all streets where the centerline deflects two (2) degrees or more shall be as follows:

RADI OF HORIZONTAL CURVES	
Major Streets	700' minimum
Minor Streets	100' minimum

10. New Subdivisions - The acceptance of a plat by the Brown County Commission does not obligate the County to maintain the roads of a rural subdivision. Until the County accepts the subdivision roads for maintenance and designates those roads as part of the Brown County Secondary Road System, the County is not responsible for maintenance. It is the policy of Brown County not to designate roads as secondary roads and accept them for maintenance in any additional rural subdivisions. To protect the safety and welfare of the citizens, roads shall be constructed in conformance to the standards as stated in Brown County Ordinance Title 5.

11. All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication or the owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads.

12. MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Arrangement and Design.

A) Roads shall provide public convenience and safety and shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.

B) All new subdivision roads (including private roads) shall be properly integrated with the existing system of roads; there should be a road connecting adjacent subdivisions where topographical and land use considerations permit. Roads shall be completed prior to the issuance of building permits per plan and specifications provided for.

C) To insure consistent signage throughout the County, developer or owner shall install road signs at all road intersections, both public and private, and along roads within the new subdivision, at such places, manner and in accord with specifications as approved by the County Highway Superintendent. Signs shall be installed prior to the issuance of any building permits.

D) All section line roads shall be extended to the boundary lines of the tract to be subdivided on the side the subdivision is accessed, unless prevented by topography or other physical conditions.

E) The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.

F) All subdivision roads shall be permanently dedicated as public rights-of-way and accepted by the Brown County Commission, or shown as private roadways.

G) Dead end roads or streets are prohibited except that where the Comprehensive Plan indicates a road is to continue past the developer's property, a temporary dead end with a turnaround may be allowed until such time as the road is continued.

H) Half road or streets are prohibited, except that they may be required to complete the remaining half of the highway already dedicated or where the Comprehensive Plan indicates that the alignment of the road will center on the property line.

13. Minimum Road Right-of-Way.

A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 66 feet shall be reserved for private roadways. A right-of-way of 100 feet may be required on any roads built on section lines or designated as arterial or collector. The owner shall dedicate 17 feet of added right-of-way on the side of any section line r-o-w wherever the owner's land abuts the section line r-o-w.

14. Section Line Road Standards.

A) A Developer subdividing off a Section Line Road, will be required to work in partnership with the governing body whether Township or County, to assure that the

design criteria for section line roads to said development shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 24 feet, plus two-foot shoulders. The inslope of the road shall be a minimum depth of 3 feet wide with a maximum slope of 4:1, ditch bottoms of 10 feet wide, and minimum backslopes will vary. The minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the South Dakota Department of Transportation (SDDOT). Asphalt surfaces shall, at a minimum, be a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

I) The sub divider upon completion of all the improvements shall request in writing a final inspection by the County Highway Superintendent or Township official.

J) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the County Highway Superintendent or Township official.

Maintenance shall be guaranteed by cash deposited with the County Commission or Township Board by the posting of a maintenance bond in favor of the County Commission or Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the county or township, whichever is applicable, may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

K) The County Commission or Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the County Highway

Superintendent or Township official and the posting of a maintenance guarantee by the sub divider.

15. **Subdivision Road Standards.**

A) Design Criteria for subdivision roads shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 20 feet, plus two-foot shoulders. The minimum slopes shall be 3:1 and the minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the SDDOT. Asphalt surfaces shall, at a minimum, is a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

I) Streets with curb and gutter shall meet the requirements in the attached cross section for a curb and gutter street.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

J) The sub divider upon completion of all the improvements shall request in writing a final inspection by the Township official.

K) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the Township official. Maintenance shall be guaranteed by cash deposited with the Township Board by the posting of a maintenance bond in favor of the Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the township may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program, which may require special assessments from the individual property owners.

L) The Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the Township official and the posting of a maintenance guarantee by the sub divider or by individuals/homeowner association. Homeowner association incorporation papers and letters of assurance with the Township are filed with plat of properties.

16. Private Roadways.

A) Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.

B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement, which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

C) Any plat presented for County Commission approval, which shows a private roadway as a means of access shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.

D) All road standards specified in Section 5.03 shall also apply to private roadways.

E) The sub divider shall maintain all improvements for one year after completion and then private roads are maintained by individuals or a homeowner association.

Homeowner association incorporation papers and letters of assurance with the County and/or Townships are filed with plat of properties.

17. Intersections and Approaches.

A) Acute angles at road intersections are to be avoided in so far as possible, but in no case with an angle of less than 80 degrees be permitted.

B) Not more than two roads shall intersect at one point unless specifically approved.

C) Intersection offsets of less than 300 feet shall not be permitted

D) Two approaches may be permitted on each side of each half-mile segment of county primary highways. Where possible, the approaches on the opposite side of the highway shall be at the same location.

E) No approach shall be constructed in private subdivisions without first obtaining an approach permit from the Brown County Highway Superintendent. The landowner shall be responsible for constructing the approach in conformance with specifications relating to location, width, in-slope, safety, culvert size, drainage, and other factors as determined by the Brown County Highway Superintendent. Approaches shall be in compliance with the South Dakota Department of Transportation's Road Design Manual.

18. No building permits shall be issued until all required road improvements have been completed per plan and specifications provided for.

5.0303 Lots.

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.

2. Every lot shall abut and have access to a public street.

3. Double frontage lots shall be avoided except where they back upon a major street.

5.0304 Easements.

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

5.0305 Flood Designated Areas. When located within flood prone areas as designated on the Flood Insurance Rate Map (FIRM), all subdivision proposals:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage and shall not put additional burden on adjacent land owners; and
4. Shall provide base flood elevation data for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

CHAPTER 5.04 IMPROVEMENTS

5.0401 Improvements. It shall be the responsibility of the subdivider to install in accordance with plans, specifications, and data certain required improvements as follows:

1. Staking -- The external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.

2. Streets -- All streets shall have a gravel surface as specified by Chapter 5.03 Design Standards. All streets shall be installed prior to the sale of lots adjoining that street.

3. Sanitary Sewer -- Where a municipal sanitary sewer is accessible by gravity flow within two hundred (200) feet of the final plat, the subdivider shall submit to the Town or City Council his plans for connection with a trunk line to the existing system. The Town or City Council shall then inform the subdivider of the trunk line size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within the two hundred (200) feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within two hundred (200) feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

4. Water Mains -- Where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the County requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof.

CHAPTER 5.05 COVENANTS AND GUARANTEES

5.0501 Restrictive Covenants. The subdivider may, at his own expense, restrict the use of such premises as contained in a subdivision plat by means of restrictive covenants which are reviewed by the Planning Commission and approved by the County Commissioners. Any such covenants shall be included as deed restrictions on the final plat.

CHAPTER 5.06 PRELIMINARY PLAT EXEMPTION

5.0601 Exemption from Preliminary Platting Process. For a proposed subdivision that would contain or less parcels, tracts or lots, and the building of no new streets, the preliminary process is waived.

CHAPTER 5.07 ENFORCEMENT

5.0701 Enforcement. No plat of any subdivision within the application of Title 5 shall be entitled to be filed or recorded in the Office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Title.

It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes individually, as a part of, or in conformity with any plat, plan, or replat of any subdivision within the area subject to application of this Title unless said plan, plat, or replat shall have been approved as prescribed by this Title and filed and recorded in the Office of the Register of Deeds.

CHAPTER 5.08 VIOLATIONS AND PENALTIES

5.0801 Violation of Title 5. It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Title. Violation thereof shall be a misdemeanor and may be punishable by a fine of up to one hundred (\$100) dollars for each and every day that any violator fails to comply with the provisions of this Title. All fines for violations shall be paid to the County and shall be credited to the general revenue fund.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 5.09 SEVERABILITY CLAUSE

5.0901 Severability Clause. Should any section or provision of these regulations be declared by courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

CHAPTER 5.10 LEGAL STATUS PROVISIONS

5.1001 Conflict with Other Regulations. No final plat of land within the force and effect of Title 4 shall be approved unless it conforms to these regulations. Whenever there is a discrepancy between minimum standards or dimension noted herein and those contained in Title 4, the building code, or other official regulations or ordinances, the most restrictive shall apply.

TITLE 5 SUBDIVISION REGULATIONS

CHAPTER 5.03 DESIGN STANDARDS

5.0302 Streets and Alleys.

16. Private Roadways.

- a. Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
- b. Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement, which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
- c. Any plat presented for County Commission approval, which shows a private roadway as a means of access **shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.**
- d. All road standards specified in Section 5.03 shall also apply to private roadways.
- e. The sub divider shall maintain all improvements for one year after completion and then private roads are maintained by individuals or a homeowner association. Homeowner association incorporation papers and letters of assurance with the County and/or Townships are filed with plat of properties.

Brown County P&Z Department comments for the Planning Commission meeting based on item "5.0302 #16c":
Since this "Edwards-Bauer" preliminary plat is not a Planned Unit Development (P.U.D.) and will not have a Homeowners Association (HOA) with Covenants and Road Maintenance language, the County Zoning Office required that the road is dedicated as "public right-of-way" and noted as "private maintenance". The public r-o-w gives general access to get to the actual parcel by people such as UPS, FedEx, Cross Country truck delivery, family members, guests, etc. The private maintenance leaves the responsibility of clearing snow or adding gravel to the adjacent land owners. The State, County or Township will not take over jurisdiction of roads anymore with added costs since they cannot afford to maintain what they have. Ordinances require a minimum 200' Frontage Width in AG-P District and M-AG District. Brown County Ordinances require that every lot shall abut and have access to a public street.

Example: Ebby Lane at Mina Lake, that Bauer Feedlot once developed, did not have a Homeowners Association (HOA) formed or documented. They have eight lots adjacent to the road and the ones that have homes there got hit hard a couple of years ago with high heavy drifting of snow. They needed to contact a heavy equipment company to remove the snow which was very expensive, and the people were not prepared for that. Bauer Farms used to keep it clean, but when they moved, so did the tractor and driver. The Township would not take on the additional responsibility to maintain this road either.



ELM LAKE

8

W ELM LAKE DR

376TH AVE

SITE

8 9
17 16

3A

102ND ST

02ND ST
19-RLK

07019020

E ELM LAKE DR

ELM
LAKE

SITE

376TH AVE

07019020

3A

102ND ST

ELM
LAKE DR

8 9
17 16

3A

376TH AVE



STAFF REPORT

April 19, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Preliminary & Final Plat:

ITEM # 15

GENERAL INFORMATION:

PETITIONER:	Jeff & Kimberly Severson / Myron Lefor
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Severson-Lefor First Addition” in the NE1/4 of Section 34-T123N-R64W of the 5 th P.M., Brown County, South Dakota
LOCATION:	1917, 1929 & 1941 135 th Street SW
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Mini-Ag District (M-AG)
SURROUNDING ZONING:	
North:	Mini-Ag District (M-AG)
South:	Mini-Ag District (M-AG)
East:	Mini-Ag District (M-AG)
West:	Mini-Ag District (M-AG)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

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

GENERAL REVIEW: Staff recommends approval.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Severson-Lefor

PLAT OF
SEVERSON-LEFOR FIRST ADDITION
IN THE NE QUARTER OF SECTION 34, TOWNSHIP 123 NORTH, RANGE 64 WEST
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: NE SECTION: 34 TOWNSHIP: 123 RANGE: 64

MANDATORY LOTS: 1,2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Jeff & Kimberly Severson

OWNERS NAMES: Myron Lefor

ENGINEER OR SURVEYOR: Keith Howe (Howe Surveying LLC)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 04 / 05 /20 22

RECEIVED BY PLANNING DEPARTMENT: 04 / 04 /20 22 BY: Ron Keller

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

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

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

EXISTING ACCESS SHOWN ON PLAT: _____ ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: _____ OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: _____

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR _____ TREASURER SIGNATURE LINE SIGNED _____

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

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: April 1, 2022
RECEIPT # 620651
TOWNSHIP: Aberdeen Twp

FEE: \$100.00
PAID: YES/NO CHK/CASH
DATE: April 5, 2022

OWNERS SIGNATURE: Jeff & Kimberly Severson *Kim Severson*
OWNERS ADDRESS: 1941 135th St SW
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-216-7952

AGENTS SIGNATURE: Myron Lefor *Myron Lefor*
AGENTS ADDRESS: 1929 135th St SW
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: _____

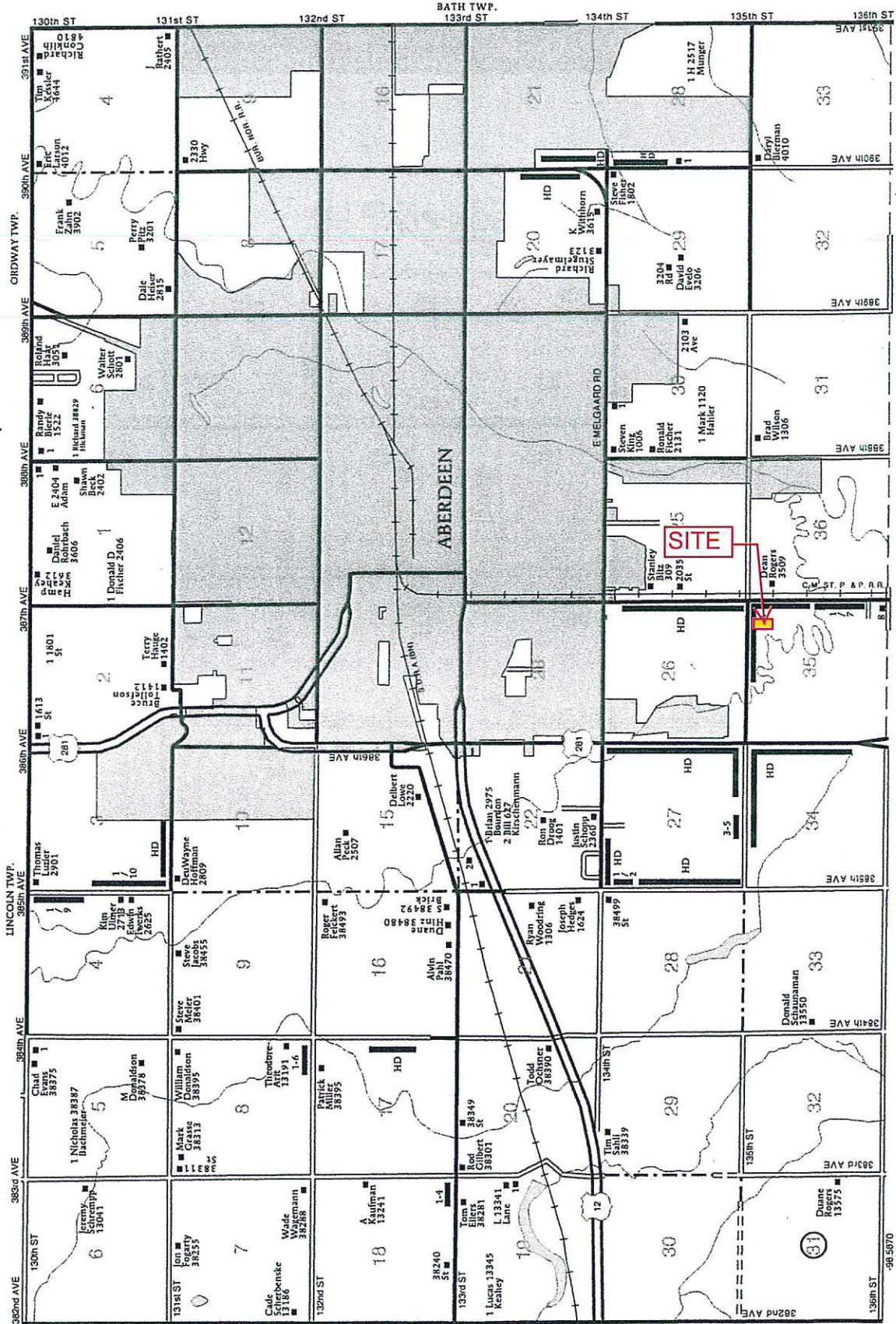
REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Severson-Lefor First Addition" in the NE1/4 of Section 34-
T123N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: April 19, 2022 TIME: 7:00 pm



GEM 'W' TWP.

WARNER 'N' TWP.

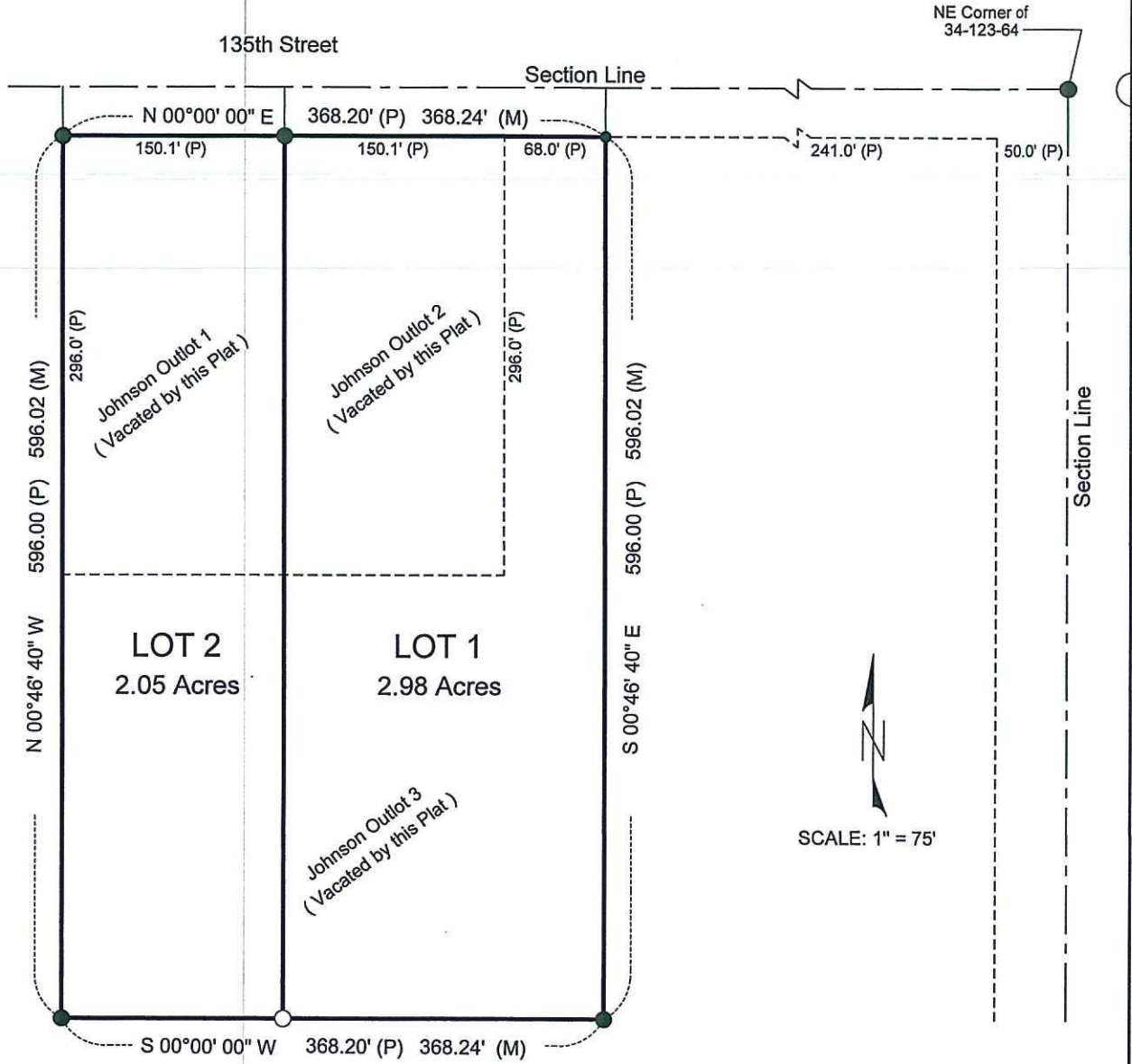
SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

PLAT OF SEVERSON-LEFOR FIRST ADDITION

IN NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 123 NORTH
RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

VACATION STATEMENT: THIS PLAT VACATES JOHNSON

OUTLOTS 1 - 3, IN NE 1/4 34 - 123 - 64 PLAT # 3570



BASIS OF BEARINGS
NORTH LINE OF LOT 1 JOHNSON'S
OUTLOTS 1 & 2 AS N 00° 00' 00" E



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

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that Jeffrey A. Severson and Kimberly A. Severson, owners of the following described property:

Johnson Outlot 1 in the Northeast Quarter of Section Thirty-Four (34), Township One Hundred Twenty-Three North (T. 123 N.) Range Sixty-Four West (R. 64 W.) of the Fifth Principal Meridian (5th P.M.), Brown County, South Dakota.

Have caused a part of the same to be platted as "SEVERSON-LEFOR FIRST ADDITION" and do hereby certify that we are the qualified owners of a portion of the land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that I have requested the preparation of this plat in compliance with the laws for the State of South Dakota; in witness thereof said Jeffrey A. Severson and Kimberly A. Severson, have set their hands this 7 day of March A.D., 2021.

[Signature]
Jeffrey A. Severson
[Signature]
Kimberly A. Severson

STATE OF SOUTH DAKOTA)
COUNTY OF Brown)SS 2022

On this 7 day of March A.D., 2021 before me, a Notary Public, personally appeared Jeffrey A. Severson and Kimberly A. Severson who by me duly sworn, did say that they are the owners named in the foregoing instrument and that they acknowledged said instrument for the purpose therein stated.



[Signature] 07/25/2023
Notary Public, My Commission Expires

KNOW ALL MEN BY THESE PRESENTS that Myron E. Lefor, owner of the following described property:

Johnson Outlot 2 and 3 in the Northeast Quarter of Section Thirty-Four (34), Township One Hundred Twenty-Three North (R. 64 W.) of the Fifth Principal Meridian (5th P.M.), Brown County, South Dakota.

(T. 123 N.) Range Sixty-Four West

Have caused a part of the same to be platted as "SEVERSON-LEFOR FIRST ADDITION" and do hereby certify that I am the qualified owner of a portion of the land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that I have requested the preparation of this plat in compliance with the laws for the State of South Dakota; in witness thereof said Myron E. Lefor, has set his hand this 7 day of March A.D., 2021.

[Signature]
Myron E. Lefor

STATE OF SOUTH DAKOTA)
COUNTY OF Brown)SS 2022

On this 7 day of March A.D., 2021 before me, a Notary Public, personally appeared Myron E. Lefor who by me duly sworn, did say that they are the owners named in the foregoing instrument and that they acknowledged said instrument for the purpose therein stated.



[Signature] 07/25/2023
Notary Public, My Commission Expires

SURVEYOR'S CERTIFICATE

I, Keith L. Howe, a Registered and Licensed Land Surveyor, do hereby certify that I have platted a tract of land as shown on the plat hereon drawn which hereafter shall be known as: "SEVERSON-LEFOR FIRST ADDITION" in the NE 1/4 of Section 34, Township 123 North, Range 64 West of the 5th Principal Meridian, Brown County, South Dakota, and that said plat is in all respects true and correct.

Witness my hand and seal this 7th day of October A.D., 2021.

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



HIGHWAY AUTHORITY CERTIFICATE

I _____, Certify that I have reviewed the attached plat of SEVERSON-LEFOR FIRST ADDITION, in the NE1/4 of Section 34, Township 123 North, Range 64 West of the 5th P.M., Brown County, South Dakota, and approve of in-place roads.

Highway Authority

PLANNING COMMISSION

I, _____, Secretary of the Planning Commission of the County of Brown, South Dakota, do hereby certify that the plat hereon drawn was presented to and approved by the Planning Commission of said County at its meeting on the _____ day of _____ A.D., 2021.

Secretary Planning Commission,
Brown County, South Dakota

RESOLUTION OF COUNTY COMMISSIONERS

It was moved by _____ and seconded by _____ and motion carried, that the plat as shown hereon and as described on the accompanying plat of "SEVERSON-LEFOR FIRST ADDITION", in the NE 1/4 of Section 34, Township 123 North, Range 64 West of the 5th P.M., in Brown County, South Dakota, be approved and accepted and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same.

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

Auditor, Brown County, South Dakota

TREASURER'S CERTIFICATE

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

Dated at Aberdeen, South Dakota this _____ day of _____ A.D., 2021.

Treasurer, Brown County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

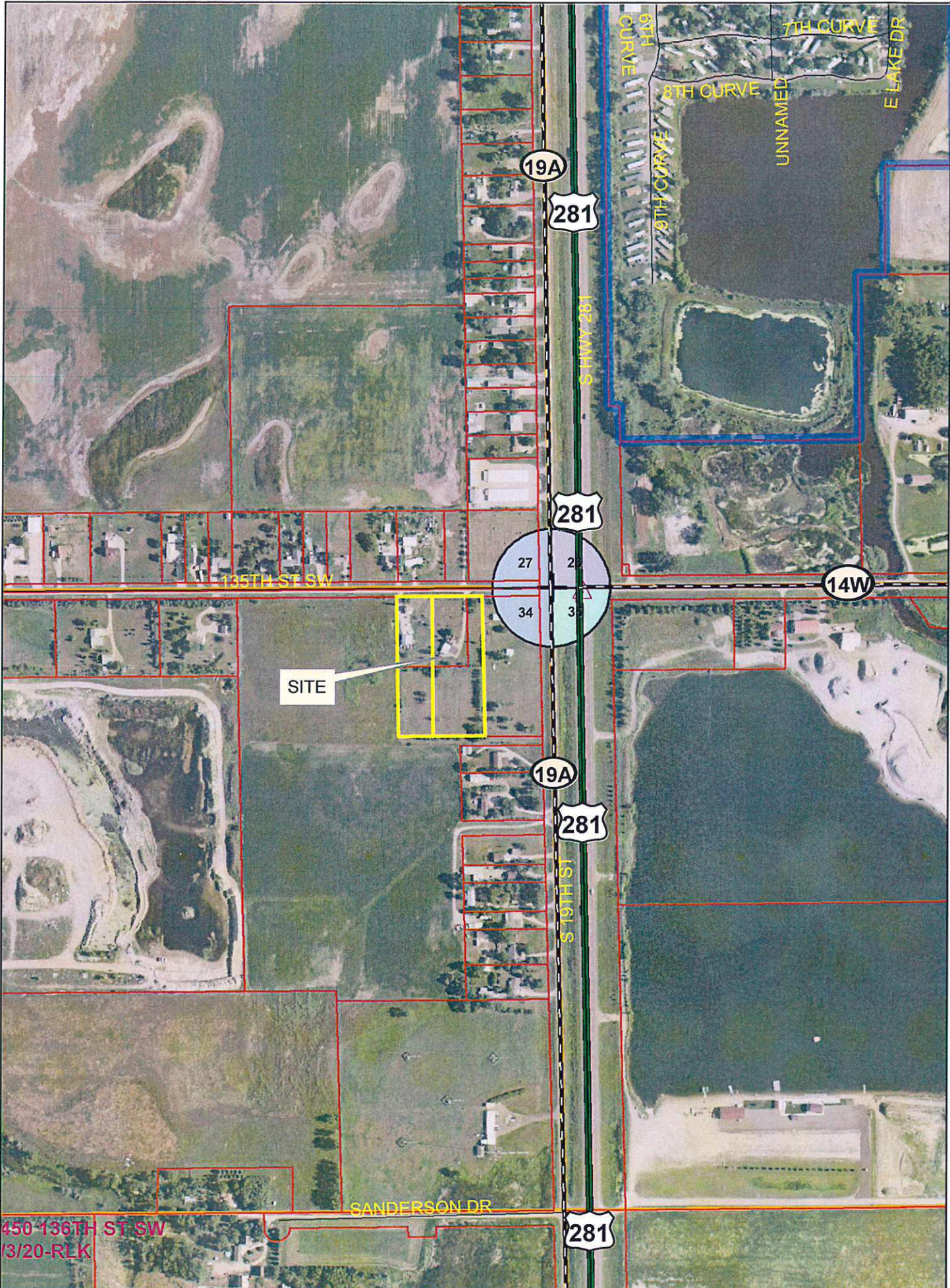
I, _____, Director of Equalization of Brown County, South Dakota hereby certify that I have recorded a copy of this plat on this ___ day of _____ A.D., 2021.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS

I, _____, Register of Deeds of Brown County, South Dakota hereby certify that I have received the original copy of the attached plat on this ___ day of _____ A.D., 2021 at _____ o'clock __.M. and duly recorded in _____, page _____.

Register of Deeds, Brown County, South Dakota



19A

281

281

14W

19A

281

281

135TH ST SW

SITE

SANDERSON DR

450 136TH ST SW
13/20-RLK

27 28
34 35

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

6TH CURVE

7TH CURVE

UNNAMED

8TH CURVE

E LAKE DR

