

# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY June 21, 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, Patrick Keatts, James Meyers, County Commissioner Michael Gage serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler - Chairman. Planning Technician Chris Anderson and Director Scott Bader were present from the Planning/Zoning Department.
- III. **Meeting:** This monthly meeting was conducted in the basement west & east Community Room.
- IV. **Minutes:** After discussion about previous months Minutes, Keatts moved and Gage seconded to approve the Minutes for the May 17, 2022, Planning/Zoning Commission meeting. All members voted aye; the motion carried.
- V. **Old Business:**
  1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
  2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
  1. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lots 1-2, "Deliah Williams First Addition" in the SW1/4 of Section 23-T124N-R62W of the 5th P.M., Brown County, South Dakota (39828 128<sup>th</sup> Street, Bath, SD, Cambria Twp.). Submitted by Kari Bartling, Kolker Law Office for the Deliah Williams Estate. In attendance for this item was Kari Bartling. Following discussion on FoF, Kurth moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved, and Keatts seconded to **approve the Variance to Lot Size** for Lot 1 to be 18.20 acres and Lot 2 to be 11.78 acres rather than 40.0 acres and stay zoned as AG-P District per 4.0605 of Brown County Zoning Ordinance Title 4, all members voting aye, motion carried.
  2. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 2, "Deliah Williams Second Addition" in the S1/2 of the NW1/4 of Section 26-T124N-R62W of the 5th P.M., Brown County, South Dakota (12848 398<sup>th</sup> Avenue, Bath, SD, Cambria Twp.). Submitted by Kari Bartling, Kolker Law Office for the Deliah Williams Estate. In attendance for this item was Kari Bartling. 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 Variance to Lot Size** to allow Lot 2 to be

35.17 acres rather than 40.0 acres and stay zoned as AG-P District per 4.0605 of Brown County Zoning Ordinance Title 4, all members voting aye, motion carried.

3. **Variance to Lot Size** in an Agriculture preservation District (AG-P) described as Proposed Lot 1, "Ball First Addition" in the NE1/4 of Section 18-T121N-R60W of the 5<sup>th</sup> P.M, Brown County, South Dakota (40693 144<sup>th</sup> Street, Conde, SD, Bates Twp.). Submitted by Merry Jo Ball for Ball Pioneer Farm Trust. 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 to Lot Size** to allow Lot 1 to be 7.25 acres rather than 40.0 acres and stay zoned as AG-P District per 4.0605 of Brown County Zoning Ordinance Title 4, all members voting aye, motion carried.
4. **Conditional Use Petition** in a Highway Commercial District (HC) described as Outlot 1, "Budget Furniture-J. Gross Outlots" the NW1/4 of Section 22-T123N-R63W, of the 5<sup>th</sup> P.M., Brown County, South Dakota (5356 E Highway 12, Aberdeen, SD, Bath Twp.). Submitted by Paul Meyers. In attendance for this item was Paul Meyers and Kari Bartling. Following discussion on FoF, North moved, and Meyers seconded to **approve the finding of facts** as presented. Also following discussion that the sign structure and sign faces on each side of the structure were damaged by storms, North moved, and Meyers seconded to **approve the Conditional Use Petition** to replace an existing sign structure and sign face, all members voting aye except James Meyers abstained his vote, motion carried.
5. **Conditional Use Petition** in a Highway Commercial District (HC) described as Lot 1B, "Gossman First Addition" the S1/2 of Section 15-T123N-R63W, of the 5<sup>th</sup> P.M., Brown County, South Dakota (5759 E Highway 12, Aberdeen, SD, Bath Twp.). Submitted by Stacy Gossman. In attendance for this item was Stacy Gossman. Following discussion on FoF, Meyers moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion Meyers moved, and Bettmann seconded to **approve the Conditional Use Petition** for temporary sale of fireworks inside the "Big Fellas" restaurant structure with the stipulations:
  - 1) there cannot be **golf cart sales** during the same timeframe for sales of fireworks.
  - 2) there cannot be **vehicle sales** during the same timeframe for sales of fireworks.
  - 3) there cannot be any **cooking, preparing, or producing the sales of food inside the building** during the same timeframe for sales of fireworks, all members voting aye, motion carried.
6. **Variance to Approach Separation Distance** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, "Weiszhaar Third Subdivision" in the SE1/4 of Section 34-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2240 and 2280 130<sup>th</sup> Street NW, Aberdeen, SD, Lincoln Twp). Submitted by James and Chris Weiszhaar. In attendance for this item were James and Chris Weiszhaar. Following discussion on FoF, Kurth moved, and North seconded to **approve the finding of facts** as presented. Also following discussion that the owner is going to remove their existing approach access on the west side of their house driveway and use that dirt to install a new approach for the proposed parcel, Kurth moved, and North seconded to **approve the Variance to Approach Separation Distance** to be 206' West of existing approach on 130<sup>th</sup> Street/Brown County Highway #13 rather than the 500' required, all members voting aye, motion carried.
7. **Conditional Use Petition** in a Heavy Industrial District (H-I) described as Block A, "New Angus First Subdivision" in the N1/2 of Section 36-T123N-R64W, of the 5<sup>th</sup> P.M., Brown County, South Dakota (13-135<sup>th</sup> Street SW, Aberdeen, SD, Aberdeen Twp). Submitted by Adam Bode, COO for New Angus, Ltd. After a presentation from New Angus Beef representatives (Adam Bode the plant manager, Tom Long, Gabriel SanMiguel @ Bone

Crusher LLC the contractor, Robyn Andracsek, the Environmental Engineer, Ken LeFaive is the equipment vendor, and James Moore, the business attorney), the Board took comments from the audience. Larisa Kempf, Doug Voght, Erin Johnson, Evelyn Blum, Linda Schopp, Kathy Krause, Harlan Young, Alan Johnson, Linda Job, David Wachs, Carolyn Troutman, Aaron Johnson had concerns about odor control, air quality control, expressing concern about decreasing property values from beef plant expansion and any increased truck traffic. Steve Hellwig (Hub City Livestock @ south sales barn), Kevin Larson (L&P Livestock Inc. @ west sales barn), and Carson Larson (representing cattle ranchers and farmers), all spoke in favor of the changes and how the whole region and local citizens have benefitted from the beef plant being here and operating just in the last few years. Letters in favor of Demkota were submitted by Larson Livestock and Buffalo Ridge Cattle Company. Following testimony North moved and Meyers seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Kurth seconded to **approve the Conditional Use Petition (CUP)** for the following:

- 1) 24' x 66' concrete pad with stem walls and four (4) 12' diameter meal silos.
- 2) 35' x 35' concrete pad with stem walls and a 200,000-gallon water tank for heated water.
- 3) Installing new concrete footings for machinery inside the rendering building.
- 4) Installing new equipment inside the rendering building as Haarslev Design.
- 5) 30' x 78' concrete floor & footings and build a load-out building for semi-trucks.
- 6) Installing a new rendering operation with all of this in a Heavy Industrial District (HI).
- 7) Updating and replacing some existing equipment.
- 8) Installing an air conditioning compressor in the NW corner of the main building.
- 9) with the stipulations:
  - a. New Angus Beef must meet all federal, state, and local air quality requirements.
  - b. New Angus Beef must meet all federal, state, and local odor control requirements.
  - c. New Angus Beef must meet and maintain compliance with Br Co Ordinance.
  - d. New Angus is not allowed to take in or bring in or accept outside carcasses to be rendered that are not part of the regular processing from their own daily work.
  - e. If requirements are not met, the CUP may be revoked by Br Co Zoning.
  - f. Beef plant representatives agreed with stipulations at the meeting as stated.

all Planning Commissioner members voting aye as noted: North = aye, Meyers = aye, Gage = abstained from vote, Bettmann = aye, Kurth = aye, Keatts = aye, Beckler = aye, motion carried.

**VII. Other Business: None**

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

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# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, June 21, 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 still Tabled until further notice, by the States Attorney Office.
  
- II. **New Business: Planning Commission**
  10. **Rezone Parcel** from Mini-Agriculture District (M-AG) to Highway Commercial District (H-C) for a property described as Proposed Lot 1, “Bim and Lori’s Venture Addition” in the NW1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2330 N Brown County 19, Aberdeen, SD, Aberdeen Twp.). Submitted by Clarence Habeck. In attendance for this item were Clarence and Lori Habeck. Following discussion that the owners plan on building a “personal shop building” for their own vehicles and equipment, Gage moved, North seconded to **recommend approval of the rezone** for this parcel, to the Board of County Commissioners with the stipulations:
    - 1) there shall not be any towed vehicles allowed, stored, or parked on this parcel on the outside of the shop building.
    - 2) there shall not be any junked vehicles allowed, stored, or parked on this parcel on the outside of the shop building.
    - 3) there shall not be more than 5 vehicles allowed, that are stored or parked on this parcel on the outside of the personal shop building that may be for sale or advertised for sale.
    - 4) the owners said that they and their daughter (from Oklahoma) **buy & sell** high-end horse trailers with livable space inside, using their SD Dealers License.
    - 5) the owners plan on using this parcels address on their SD Dealers License for the State.
    - 6) all members voting aye, motion carried.
  
  11. **Rezone Parcel** from Agriculture Preservation (AG-P) to Mini-Agriculture District (M-AG) for a property described as “Brunes’ Outlot 1” in the SE1/4 of Section 28-T122N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14059 397<sup>th</sup> Avenue, Groton, SD, Gem Twp.). Submitted by Don Brunes. Following discussion, Kurth moved, Keatts seconded to **recommend approval of the rezone** of this parcel to the Board of County Commissioners, all members voting aye, motion carried.
  
  12. **Rezone Parcel** from Agriculture Preservation (AG-P) to Mini-Agriculture District (M-AG) for a property described as Lot 2, “Hagemann First Subdivision” in the SE1/4 of Section 26-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12889 393<sup>rd</sup> Avenue, Aberdeen, SD, Ordway Twp.). Submitted by Jeremy Lesnar. 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.

13. **Preliminary & Final Plat** for a property described as “Deliah Williams First Addition” in the SW1/4 of Section 23-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39828 128<sup>th</sup> Street, Bath, SD, Cambria Twp). Submitted by Kari Bartling, Kolker Law Office for Deliah Williams Estate. In attendance for this item was Kari Bartling. Following discussion, Meyers moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
14. **Preliminary & Final Plat** for a property described as “Deliah Williams Second Addition” in the S1/2 of the NW1/4 of Section 26-T124N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12848 398<sup>th</sup> Avenue, Bath, SD, Cambria Twp). Submitted by Kari Bartling, Kolker Law Office for Deliah Williams Estate. In attendance for this item was Kari Bartling. Following discussion, Bettmann moved, North seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
15. **Preliminary & Final Plat** for a property described as “Borg Third Subdivision” in the SE1/4 of Section 26-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38696 129<sup>th</sup> Street and 12884 387<sup>th</sup> Avenue, Aberdeen, SD, Lincoln Twp). Submitted by Tim Borg and Casey Voehl. Following discussion, Kurth moved, North seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
16. **Preliminary & Final Plat** for a property described Lot 1, “Ball First Addition” in the NE1/4 of Section 18-T121N-R60W of the 5<sup>th</sup> P.M, Brown County, South Dakota (40693 144<sup>th</sup> Street, Conde, SD, Bates Twp.). Submitted by Merry Jo Ball for Ball Pioneer Farm Trust. Following discussion, Bettmann moved, Gage seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
17. **Preliminary & Final Plat** for a property described as “Bim & Lori’s Venture Addition” in the NW1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2330 N Brown County 19, Aberdeen, SD, Aberdeen Twp). Submitted by Clarence Habeck. In attendance for this item were Clarence and Lori Habeck. Following discussion, North moved, Meyers seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
18. **Preliminary & Final Plat** for a property described as “Jark Replat of Block 10 to Stratford” in the SW1/4 of Section 4-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Block 10, Stratford, SD, East Rondell Twp). Submitted by Lloyd Jark. Following discussion, Keatts moved, Kurth seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
19. **Preliminary Plat** for Lot 1, “Bauer’s Third Addition” in the S1/2 of Section 7-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37328 132<sup>nd</sup> Street, Mina, SD, Mercier Twp). Submitted by Nolan Ulmer. Following discussion, Keatts moved, North seconded the motion to **recommend approval of this Preliminary Plat** and for a final plat to be submitted next month with Covenants and HOA requirements for review, all members voting aye, motion carried.
20. **Preliminary & Final Plat** for a property described as “Stange-Bartz Addition” in the W1/2 of Section 14-T121N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14428 and 14454 398<sup>th</sup> Avenue, Bath, SD, Cambria Twp). Submitted by Raymond Stange and Randall Bartz. In

attendance for this item was Raymond Stange. Following discussion, Gage moved, Kurth seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

21. **Preliminary & Final Plat** for a property described as Lot 1, "Weiszhaar Third Subdivision" in the SE1/4 of Section 34-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (2240 and 2280 130<sup>th</sup> Street, Aberdeen, SD, Lincoln Twp). Submitted by James and Chris Weiszhaar. In attendance for this item were James and Chris Weiszhaar. Following discussion, North moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**III. Other Business: none**

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

Submitted by: Chris Anderson and Scott Bader.