

AGENDA

REGULAR SCHEDULED MEETINGS

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JUNE 16, 2020 – 7:00 PM

EAST SIDE of BSMNT COMMUNITY ROOM, BROWN COUNTY COURTHOUSE ANNEX (605) 626-7144
Appointment can be made to attend the meeting or attend via teleconference.

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- I. Call to Order: Planning/Zoning Commissioner Chairman Jerry Streckfuss
- II. Roll Call: Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts, B.C. Commissioner Rachel Kippley serving on the Planning/Zoning Commission & Chairman Jerry Streckfuss.
- III. Minutes: MAY 19, 2020
- IV. Old Business:
- V. New Business: P&Z Commission as Zoning Board of Adjustment (BOA)
 1. Variance for Lot Size in Agricultural Preservation District (AG-P) described as Lot 1, "Lou Jones Subdivision" in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota (12135 391st Ave).
 2. Variance for Building Setback in Lake Front Residential District (R-3) described as Lots 27 & 28 "Raetzman's Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (126319 N Bridge Road).
 3. Special Exception/Conditional Use in Heavy Industrial District (H-I) described Lot 2, "S & C Schipke Subdivision of Lot 1 D&S Business Park First Subdivision" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4063 Schipke Lane).
 4. Variance for Building Setback in Heavy Industrial District (H-I) described as Lot 2, "S&C Schipke Subdivision of Lot 1, D&S Business Park First Subdivision" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4063 Schipke Lane).
 5. Variance for Lot Frontage in Agricultural Preservation District (AG-P) described as Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N 391st Ave).
 6. Variance for Lot Size in Agricultural Preservation District (AG-P) described as Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N 391st Ave).

7. **Variance for Approach Separation** in Agriculture Preservation District (AG-P) described as SE1/4 of Section 34-T124N-T64W of the 5th P.M., Brown County, South Dakota (2220 130th Street NW).
8. **Variance for Building Setback** in Mini Agriculture District (M-AG) described as “Janusz Outlot 1” in the SW1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2511 S 385th Ave).
9. **Special Exception/Conditional Use** in Highway Commercial District (HC) described as Lot 1 “Auditors Subdivision” in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2932 S Hwy 281).
10. **CAFO Ordinance changes/updates** for Brown County, South Dakota – Discussion and possible referral to Brown County Board of Commissioners.

VI. Other Business:

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

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

Beginning as Planning Commission

I. Old Business:

II. New Business: **Planning Commission**

20. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 1, “Gerald and Gail Struck Addition” in the NE1/4 of Section 9-T124N-R64W of the 5th P.M., Brown County, South Dakota (12501 385th Ave).
21. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 1, “Prairie Hill Farms First Subdivision” in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 130th Street NW).
22. **Preliminary and Final Plat** for a property described as Lot 1 “Lou Jones Subdivision” in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota (12135 391st Ave).
23. **Preliminary and Final Plat** for a property described as Lot 1&2, “Prairie Hill Farms First Subdivision” in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 & 2134 130th Street NW).
24. **Preliminary and Final Plat** for a property described as Lot 1, “Swede Addition” in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N 391st Ave).
25. **Preliminary and Final Plat** for a property described as Lot 1, “Sherry Schlosser Subdivision” in the NW1/4 of Section 5-T126N-R63W of the 5th P.M., Brown County, South Dakota (38909 112th Street).
26. **Preliminary and Final Plat** for a property described as Lots 1&2, “Bellikka Second Subdivision” in the SW1/4 of Section 28-T124N-R64W of the 5th P.M., Brown County, South Dakota (38424 & 38428 129th Street).

III. Other Business:

VI. Motion to Adjourn:

MINUTES

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, May 19, 2020 - 7:00 P.M.

COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

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

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

Please join my meeting from your computer, TABLET or smartphone.

<https://global.gotomeeting.com/join/833606325>

You can also dial in using your phone.

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After discussion, Kippley moved and North seconded to approve the minutes of the April 21, 2020 meeting. All members voted aye, the motion carried.

Vice Chairman Beckler then continued with business as follows:

Old Business:

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

1. **Variance to 2 Residences** in Mini Agricultural District (M-AG) described as Lot 1, "Evelo 2nd Subdivision" in the S1/2 of Section 29-T123N-R63W of the 5th P.M., Brown County, South Dakota (3200 & 3202 E Melgaard Road). Present for this item was Kevin Braun and Eric Becking. Following discussion, Kippley moved for

approval of this variance with stipulation of an access easement for placement of new house, Keatts seconded, all members voting aye, motion carried.

2. **Special Exception/Conditional Use** in Agricultural Preservation District (AG-P) described as NWPS "A" Tap Addition in the SW1/4 of the NW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13248 384th Ave). Present for this item was Mike Williams, Robert Gehm (by video), Jim Kunkle, David Feickert, and Charmayne Liebelt. Following discussion, North moved for approval of this special exception/conditional use, Keatts seconded, all members voting aye, motion carried.
3. **Variance to Building Setback** in an Agricultural Preservation District (AG-P) described as NWPS "A" Tap Addition in the SW1/4 of the NW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13248 384th Ave). Present for this item was Mike Williams, Robert Gehm (by video), Jim Kunkle, David Feickert, and Charmayne Liebelt. Following discussion, Kurth moved for approval of the variance with the stipulation of the fence to be setback as reasonable as they can from the Right of Way. Kippley seconded, all members voting aye, motion carried.
4. **Variance to Tower Setback** in an Agricultural Preservation District (AG-P) described as NWPS "A" Tap Addition in the SW1/4 of the NW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13248 384th Ave). Present for this item was Mike Williams, Robert Gehm (by video), Jim Kunkle, David Feickert, and Charmayne Liebelt. Following discussion, Kippley moved for approval of the variance, North seconded, all members voting aye, motion carried.
5. **Variance to Approach Separation** in an Agricultural Preservation District (AG-P) described as NWPS "A" Tap Addition in the SW1/4 of the NW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13248 384th Ave). Present for this item was Mike Williams, Robert Gehm (by video), Jim Kunkle, David Feickert, and Charmayne Liebelt. Following discussion, Kippley for approval of the variance, Keatts seconded, all members voting aye, motion carried.

6. **Variance to Setback** in an Agriculture Preservation District (AG-P) described as Lot 28, “Dewald & Hoffman’s 2nd Richmond Lake Subdivision” in the E1/2 of Section 14-T124N-R65W of the 5th P.M., Brown County, South Dakota (126674 W Shore Drive). Present for this item was Jimmy Barnett. Following discussion Kippley moved for approval of the variance, Kurth seconded, all members voting aye, motion carried.
7. **Special Exception/Conditional Use** in an Agriculture Preservation District (AG-P) described as SE1/4 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38451 Hwy 12W). Following discussion North moved for approval of the special exception/conditional use Kurth seconded, all members voting aye, motion carried.
8. **Special Exception/Conditional Use** in Heavy Industrial District (H-I) described as Lot 1, “SDWG Bath-Grebner Terminal Addition” in the S1/2 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (105 392nd Ave S). Present for this item was Josh Lunzman (on video). Following discussion Keatts moved for approval of the special exception/conditional use North seconded, all members voting aye, motion carried.
9. **Variance to Setback** in an Agriculture Preservation District (AG-P) described as Lot 3 “Jerry & Judy Biegler’s 1st Addition in the SW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (37908 127th St). Following discussion North moved for approval of the variance, Kippley seconded, all members voting aye, motion carried.
10. **Variance to Setback** in a Mini Agriculture District (M-AG) described as Lot 1 “Weiler Subdivision” in the NE1/4 of Section 32-T124N-R64W of the 5th P.M., Brown County, South Dakota (12901 384th Ave). Present for this item was Kevin Huber (on phone), Weylin Huber, Dion and Deborah Dargetz. Following discussion Kippley moved for approval of the variance, with the stipulation that a culvert be put in place with the approach, Keatts seconded, all members voting aye, motion carried.
11. **Rural Addressing Ordinance** for Brown County. Following discussion North moved recommend approval of this Ordinance to

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

Other Business:

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

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

Old Business:

New Business: *Brown County Planning Commission*

20. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Lake Front Residential (R-3) for a property described as: Lot 29 “Dewald & Hoffman’s 2nd Richmond Lake Subdivision” in the E1/2 of Section 14-T124N-R65W of the 5th P.M., Brown County, South Dakota (126668 W Shore Drive). Submitted by Jimmy Barnett. Following discussion, Kippley moved to recommend approval of this rezone to the Board of County Commissioners, North seconded, all members voting aye, motion carried.
21. **Preliminary and Final Plat** for a property described as Lot 1 “Barnett Richmond Lake Subdivision” in the E1/2 of Section 14-T124N-R65W of the 5th P.M., Brown County, South Dakota (126674 W Shore Drive). Submitted by Jimmy Barnett. Following discussion, North moved to recommend approval of this plat to the Board of County Commissioners, seconded by Kurth, all members voting aye, motion carried.
22. **Preliminary and Final Plat** for a property described as Lot 1 “Gerald and Gail Struck Addition” in the NE1/4 of Section 9-T124N-R64W of the 5th P.M., Brown County, South Dakota (12501 385th Ave). Submitted by Gerald Struck. Following discussion, Keatts moved to recommend approval of this plat to the Board of County Commissioners, seconded by Kurth, with the stipulation that a rezone petition be submitted to rezone

this parcel to Mini Agricultural District, all members voting aye, motion carried.

Other Business:

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

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

STAFF REPORT

June 16, 2020

Variance for Lot Size in AG-P District

ITEM # 01

GENERAL INFORMATION:

PETITIONER: Lucian Jones

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

LEGAL DESCRIPTION: Lot 1, "Lou Jones Subdivision" in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota

LOCATION: 12135 391st Ave

TOWNSHIP: Garland 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: Private Well

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for Lot 1, "Lou Jones Subdivision" zoned (AG-P) to allow this lot to be smaller than 40 acres (23.66 acres) and stay zoned (AG-P) using Chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

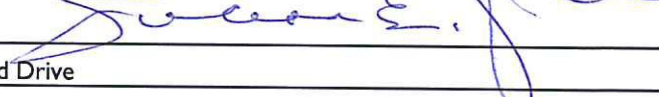
GENERAL REVIEW: After review Staff recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: 05/15/20
RECEIPT # 327025
TOWNSHIP: Garland Twp

FEES: \$100.00
PAID: YES/NO (CHK)CASH
DATE: 6-4-20

OWNERS SIGNATURE: Lucian Jones 
OWNERS ADDRESS: 6182 S Rosewood Drive
OWNERS CITY, STATE, ZIP: Centennial, CO 80121
OWNERS PHONE: 720-840-6493

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

REQUEST: Variance to Lot Size for Lot I to be less than 40 acres (23.66 acres) to remain Agricultural Preservation (AG-P) as per Chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

LEGAL DESCRIPTION: "Lou Jones Subdivision" in the NE1/4 of Section 21-T125N-R63W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: June 16, 2020 **TIME:** 7:00 pm

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

1 Dropper holds 20 Drops which is 1 milliliter/cubic centimeter

½ Dropper yields 10 Drops which is 0.5 ml/cc

1 Tablespoon (T.) = 3 teaspoons (t) = 15ml/cc

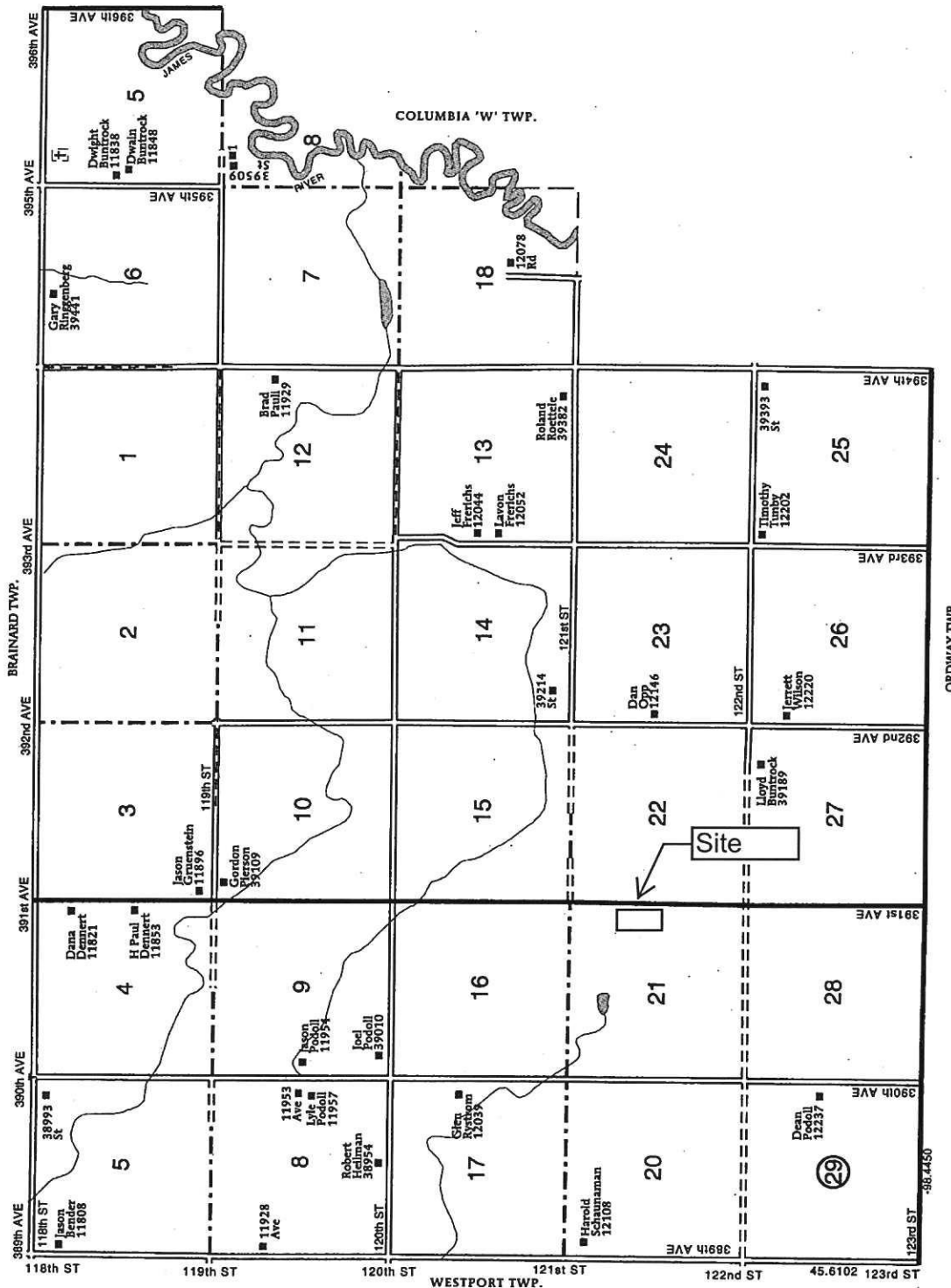
1ml/cc = ½t • 15ml/cc = 1T • 34ml/cc = 1 fl. oz. • 240 ml/cc = 1c.

T-125-N

GARLAND DIRECTORY

R-62-63-W

(Residents - Owners or Renters)



GARLAND TOWNSHIP
SECTION 1E
Demert, Terry 39515

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 June 16, 2020 at 7:00 P.M. for the purpose of asking for a variance to lot size.

Petitioner / Owner: Lucian Jones

Description of property: "Lou Jones Subdivision" in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota (12135 391st Ave).

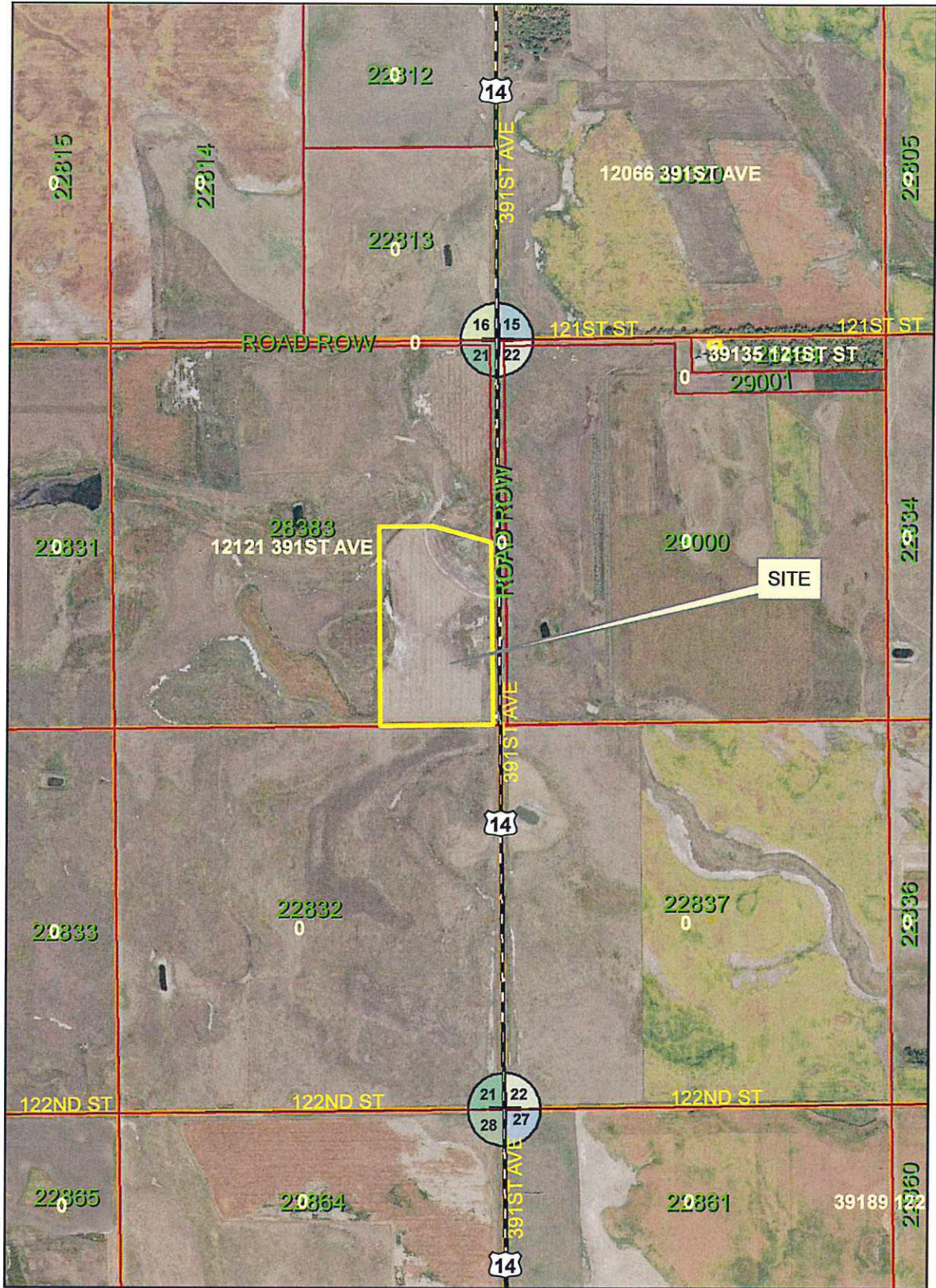
Reason: A Variance to lot size for Lot 1 to allow this lot to be smaller than 40 acres (23.66 acres) to remain zoned Agricultural Preservation (AG-P) as per chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

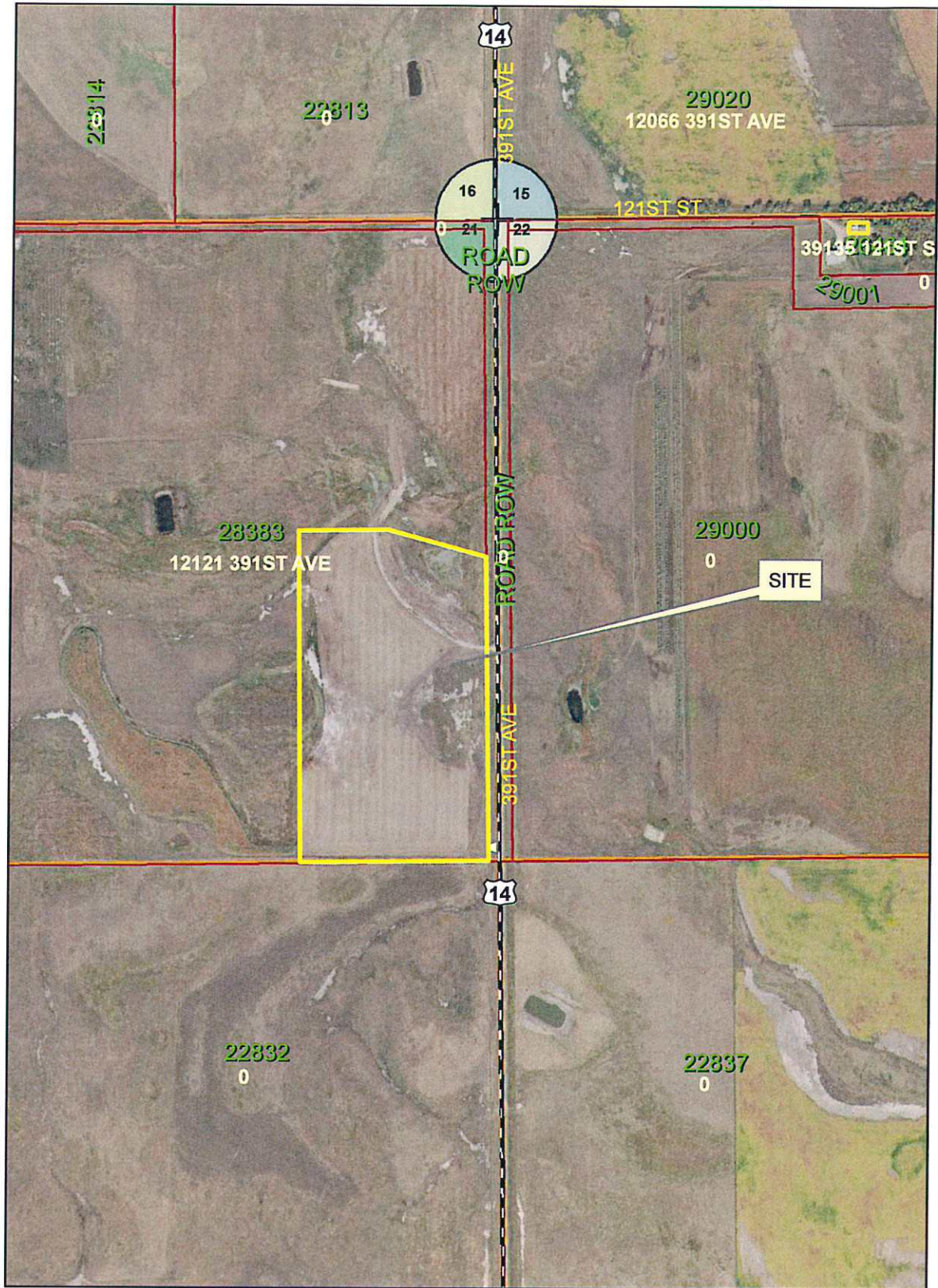
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 3rd day June 2020

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

Published once at the total approximate cost of _____.





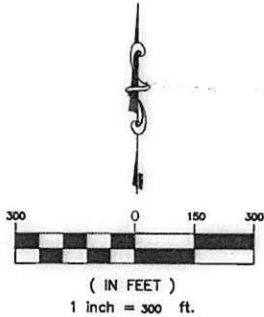
PLAT OF LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

LEGEND

- FOUND PROPERTY CORNER (RLS 4423)
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND GRANITE SHAFT
- M BEARING MEASURED THIS SURVEY
- PP PREVIOUSLY PLATTED BEARING

BASIS OF BEARINGS

IS UTM 14 NORTH ZONE
ALL DISTANCES ARE IN GROUND



121ST STREET

LUCIAN JONES
CONSERVATION EASEMENT
TRACT 1
IN THE NE 1/4 SECTION 21

NE CORNER
SECTION 21
(FOUND RLS #4423)

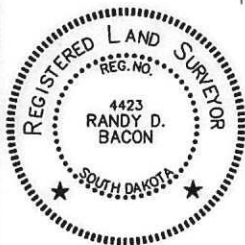
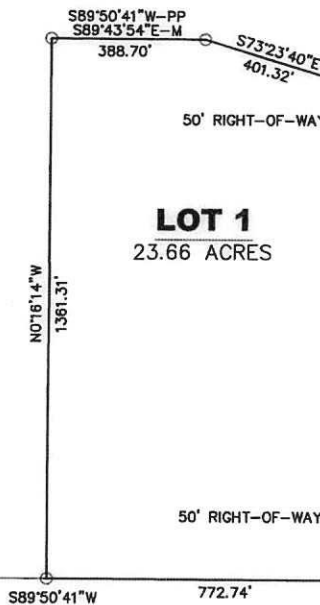
391ST AVENUE

LOT 1
23.66 ACRES

EXISTING APPROACH

CENTER 1/4 CORNER
SECTION 21 (FOUND
GRANITE SHAFT)
1813.06'

EAST 1/4 CORNER
SECTION 21
(FOUND RLS #4423)



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

A-7675

**PLAT OF
LOU JONES SUBDIVISION
IN THE NE 1/4 OF SECTION 21-T125N-R63W OF
THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF LUCIAN E. JONES AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 1, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20____.

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____.

LUCIAN E. JONES

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

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

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

**PLAT OF
LOU JONES SUBDIVISION
IN THE NE 1/4 OF SECTION 21-T125N-R63W OF
THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

STAFF REPORT
June 16, 2020

VARIANCE FOR BUILDING SETBACKS IN R-3

ITEM # 02

GENERAL INFORMATION

PETITIONER	Marshall Dorsett
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lots 27 & 28 "Raetzman's Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota
LOCATION	126319 N Bridge Road
EXISTING ZONING	Lake Front Residential District (R-3)
SURROUNDING ZONING	
North:	Water (AG-P2)
South:	Agriculture Preservation District (AG-P)
East:	Lake Front Residential (R-3)
West:	Lake Front Residential (R-3)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for 1' setback from the southwest rear property line rather than the required 30' and 30' rather than the 50' required from the northwest front high watermark.

REVIEW: Staff has reviewed this request and recommends a stipulation that the two lots be replated as one lot for development.


BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 26, 2020
RECEIPT # 327021
TOWNSHIP: Ravinia Twp.

FEES: \$100.00
PAID: (YES/NO) (CHK) CASH
DATE: 6-3-20

OWNERS SIGNATURE: Marshall Dorsett and Kim Dorsett
OWNERS ADDRESS: 126319 N. Bridge Rd.
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-9110

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

REQUEST: Variance to Setbacks in an R-3 District to be 1' from the southwest rear property line rather than the 30' required and 30' rather than 50' from the front high watermark.

LEGAL DESCRIPTION: Lots 27 & 28, Raetzman's Richmond Lake Subdivision in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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

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in the Next Plat and Directory Publication.

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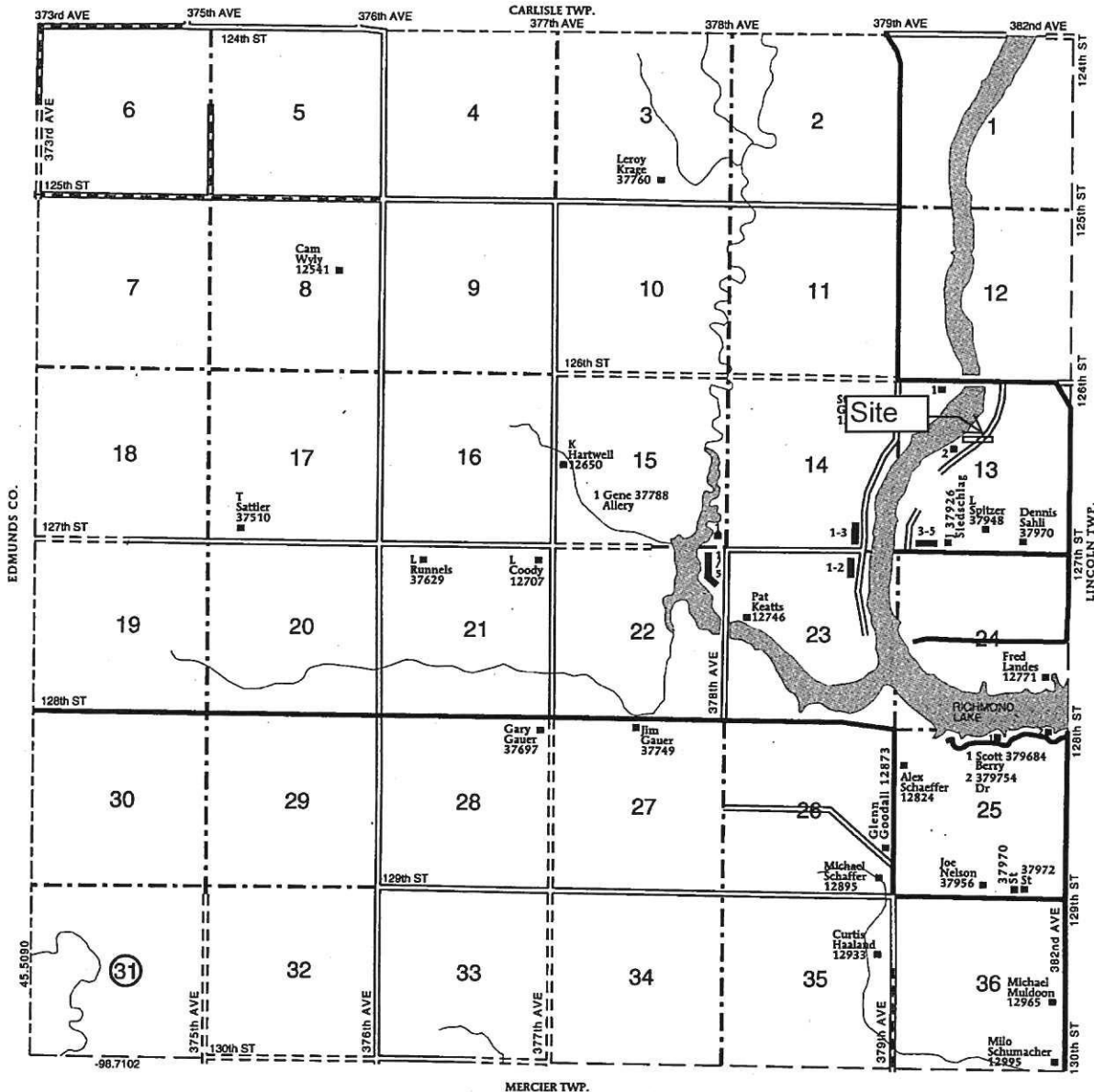
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T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



RAVINIA TOWNSHIP

SECTION 13

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

SECTION 14

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

SECTION 22

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

SECTION 23

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

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on June 16, 2020 at 7:00 P.M. for the purpose of asking for setback distance to be less than required by Ordinance in a Lake Front Residential District (R-3).

Petitioner / Owner: Marshall Dorsett

Description of property: Lots 27 & 28, "Raetzman's Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (126319 North Bridge Road).

Reason: A Variance request for setbacks to be 1' from the Southeast rear property line rather than the 30' required and 30' rather than 50' from the Northwest front high watermark in a Lake Front Residential District (R-3).

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

Dated this 3rd day June 2020

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

Published once at the total approximate cost of _____.

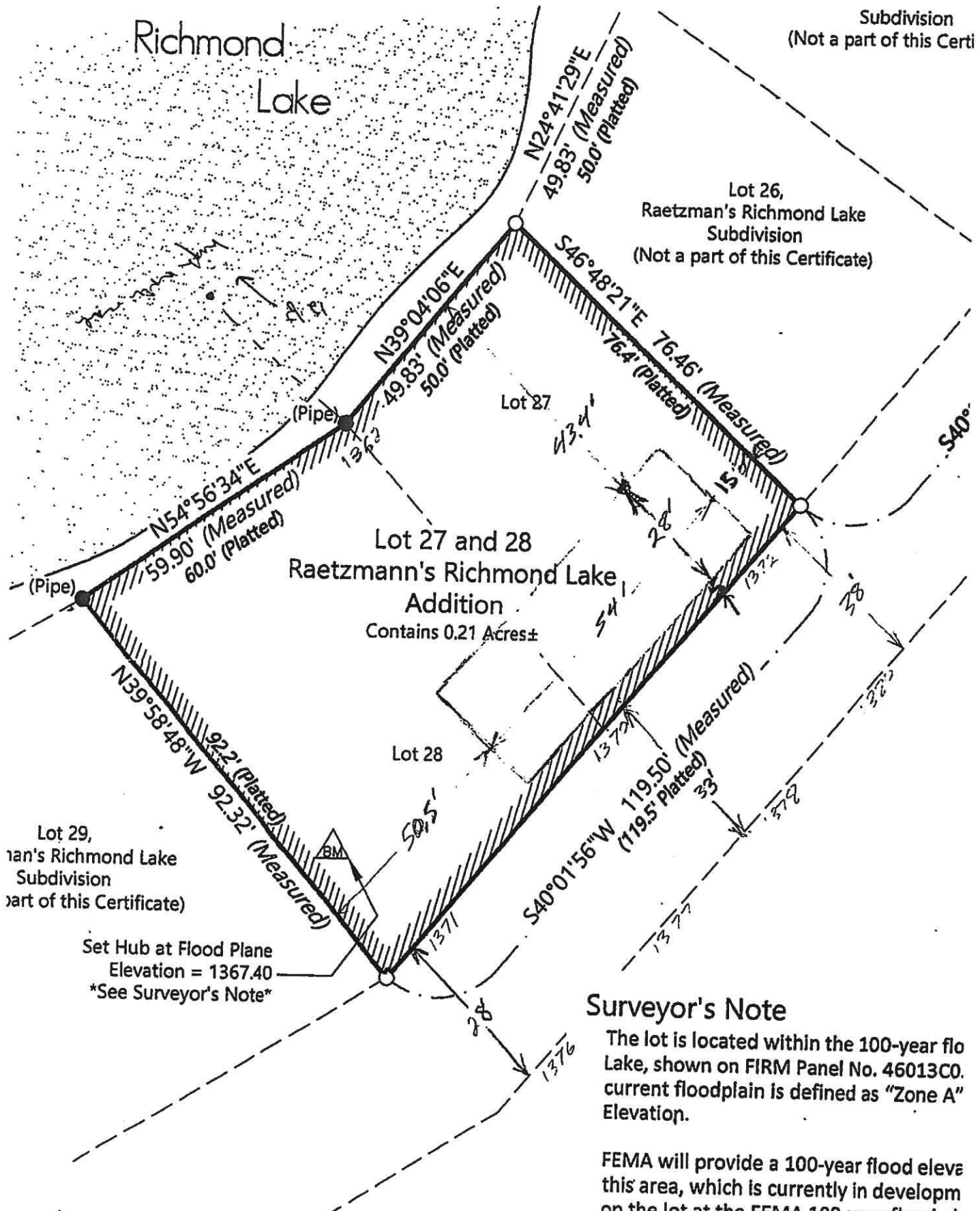
*Brown County GIS Map
(for reference only)*



"EG" Elevations are from 2011 LIDAR Study (dark blue)
"BLE" Elevations are from 2017 Base Level Eng Study (light blue)





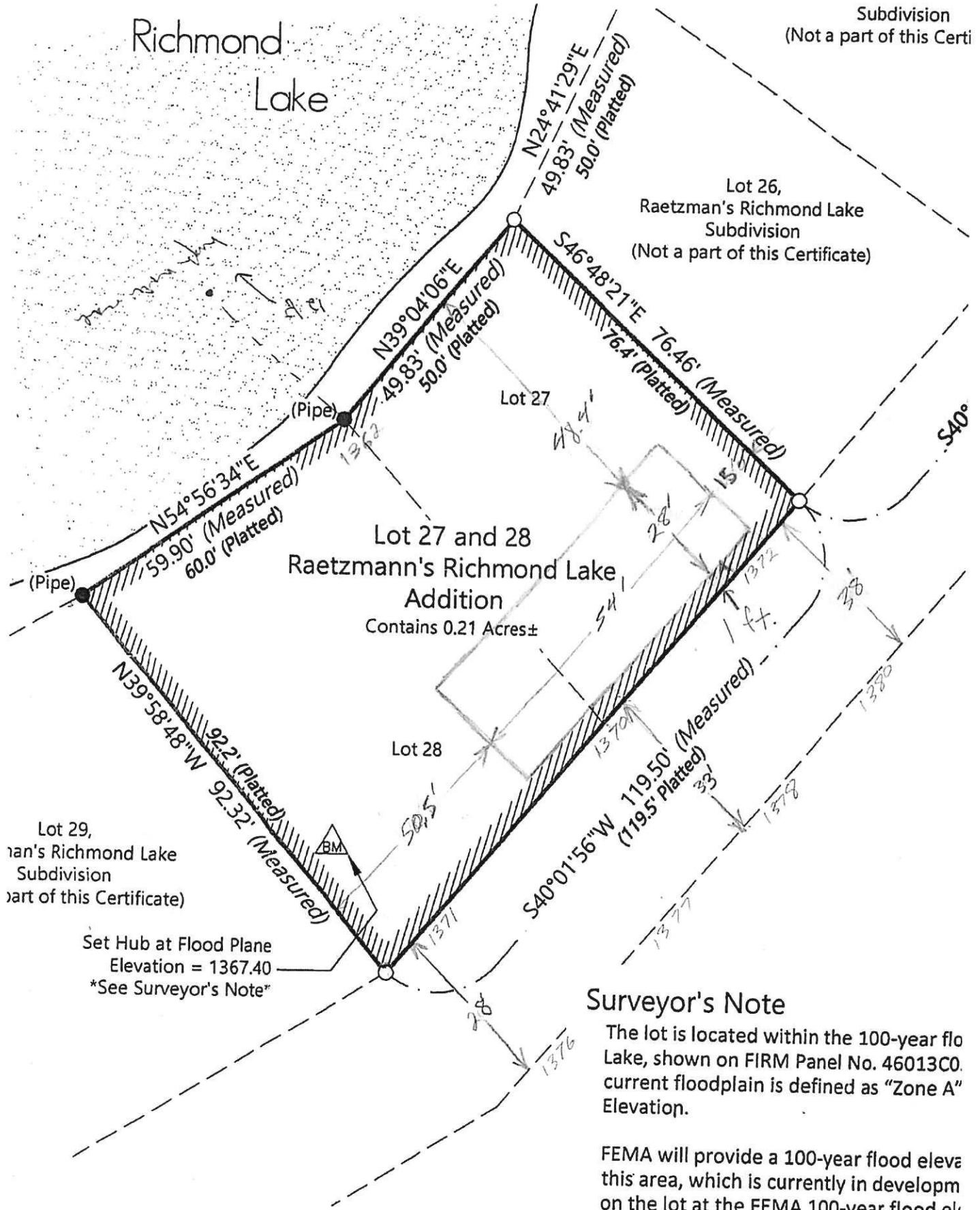


Set Hub at Flood Plane
Elevation = 1367.40
See Surveyor's Note

Surveyor's Note

The lot is located within the 100-year flood Lake, shown on FIRM Panel No. 46013C0. current floodplain is defined as "Zone A" Elevation.

FEMA will provide a 100-year flood eleva this area, which is currently in developm on the lot at the FEMA 100-year flood el from the preliminary FEMA data, Elevatic



Surveyor's Note

The lot is located within the 100-year flood Lake, shown on FIRM Panel No. 46013C0. current floodplain is defined as "Zone A" Elevation.

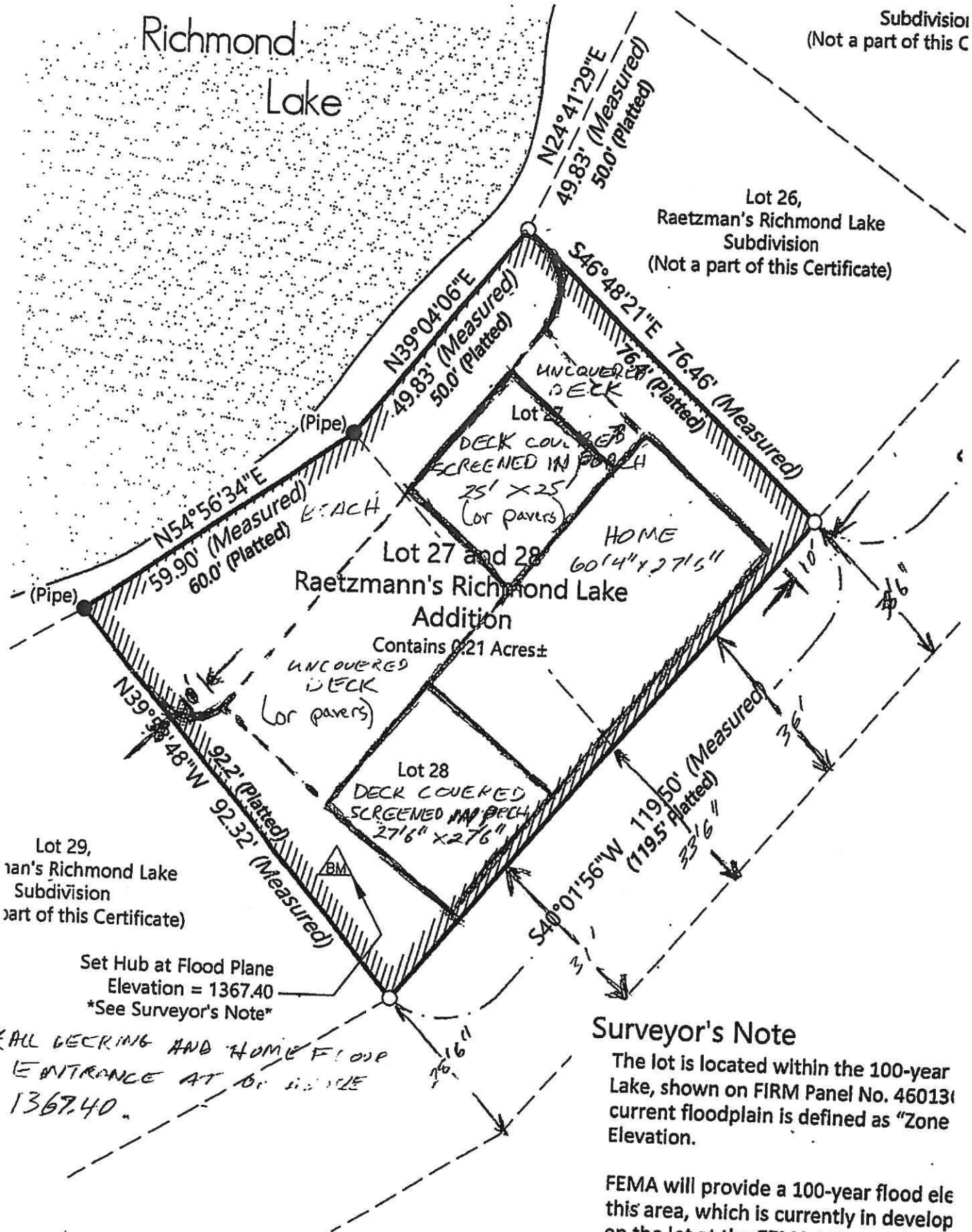
FEMA will provide a 100-year flood eleva this area, which is currently in developm on the lot at the FEMA 100-year flood el from the preliminary FEMA data, Elevatic

|||||

Subdivision
(Not a part of this C

Richmond
Lake

Lot 26,
Raetzman's Richmond Lake
Subdivision
(Not a part of this Certificate)



Set Hub at Flood Plane
Elevation = 1367.40
See Surveyor's Note

*ALL DECKING AND HOME FLOOR
ENTRANCE AT OR ABOVE
1367.40.

Surveyor's Note

The lot is located within the 100-year Lake, shown on FIRM Panel No. 46013. The current floodplain is defined as "Zone Elevation."

FEMA will provide a 100-year flood elevation for this area, which is currently in development on the lot at the FEMA 100-year flood from the preliminary FEMA data, Elevation = 1367.40.

STAFF REPORT
June 16, 2020

Spec Exc/Conditional Use for Storage

ITEM # 03

GENERAL INFORMATION

PETITIONER	Jarrold Kannas
REQUEST	Special Exception/Conditional Use for Mini-storage units in a Heavy Industrial District (H-I).
LEGAL DESCRIPTION	Lot 2, "S & C Schipke Subdivision of Lot 1, D & S Business Park First Subdivision" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	4063 Schipke Ln
EXISTING ZONING	Heavy Industrial District (H-I)
SURROUNDING ZONING	
North:	Mini Agriculture District (M-AG)
South:	Heavy Industrial District (H-I)
East:	Heavy Industrial District (H-I)
West:	Heavy Industrial District (H-I)
REPORTED BY	Scott Bader

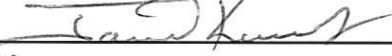
GENERAL COMMENT: The petitioner is requesting this Conditional Use for mini storage units in a Heavy Industrial District (H-I).

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 05/12/2020 FEES: \$200.00
RECEIPT # 327014 PAID: YES/NO CHK/CASH
TOWNSHIP: Aberdeen Twp DATE: 6-2-20

OWNERS SIGNATURE: Jarrood Kannas 
OWNERS ADDRESS: 1335 Pinewood Ln
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-226-4125

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

REQUEST: Mini-storage units in an H-I District

LEGAL DESCRIPTION: Lot 2, "S & C Schipke Subdivision of Lot I, D & S Business Park
First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County,
South Dakota

SIGNATURE: _____

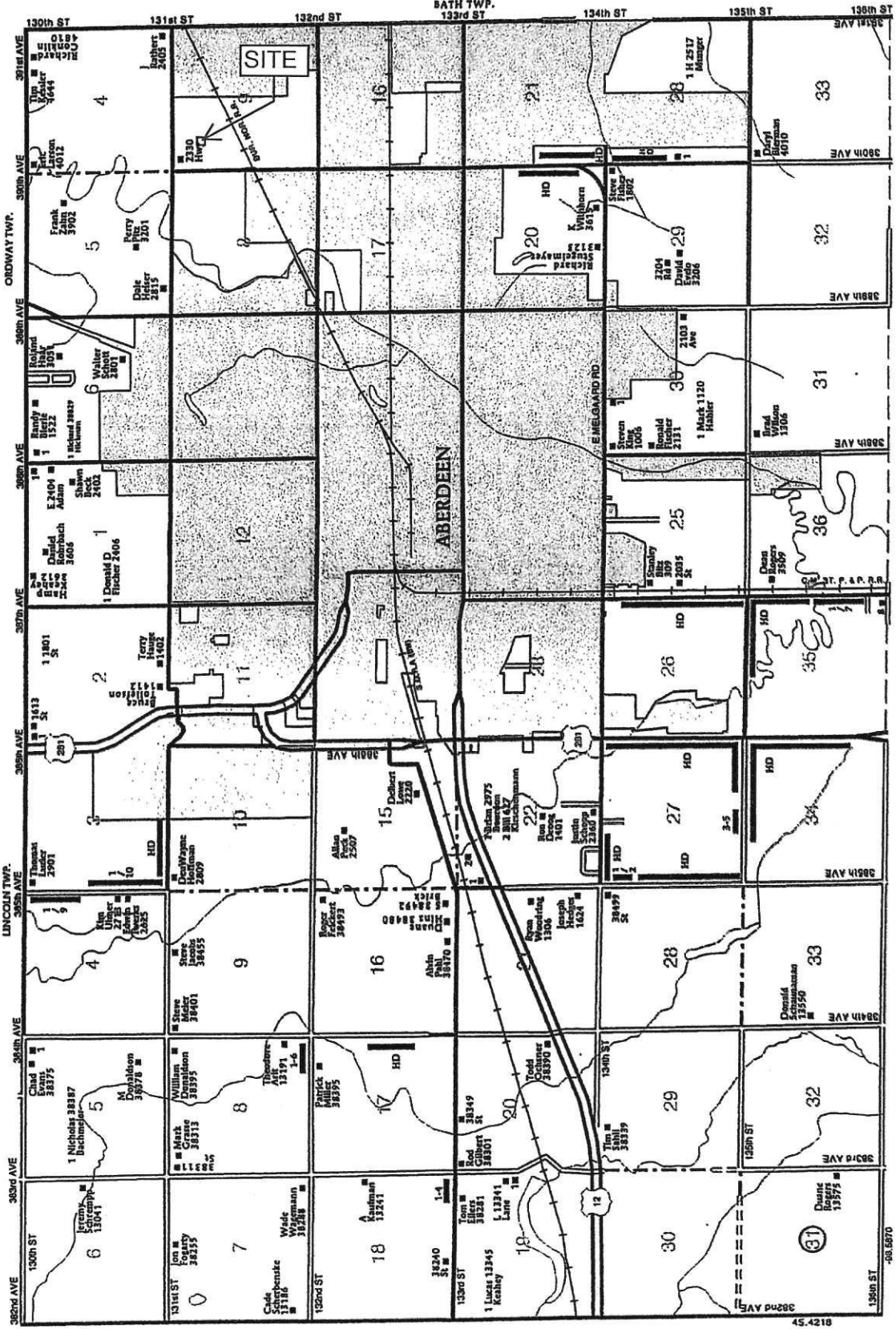
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00pm

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

(Residents - Owners or Renters)



ORDWAY TWP.

WABNER, TN 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 Special Exception/Conditional Use Petition. A hearing will be held in the basement of the Courthouse Annex, in the Community Meeting Room on June 16, 2020 at 7:00 pm for the purpose of Mini-storage units in a Heavy Industrial District (H-I).

Petitioner & owner: *Jarrold Kannas*

Description of property: Lot 2, "S & C Schipke Subdivision of Lot 1, D & S Business Park First Subdivision in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4063 Schipke Lane).

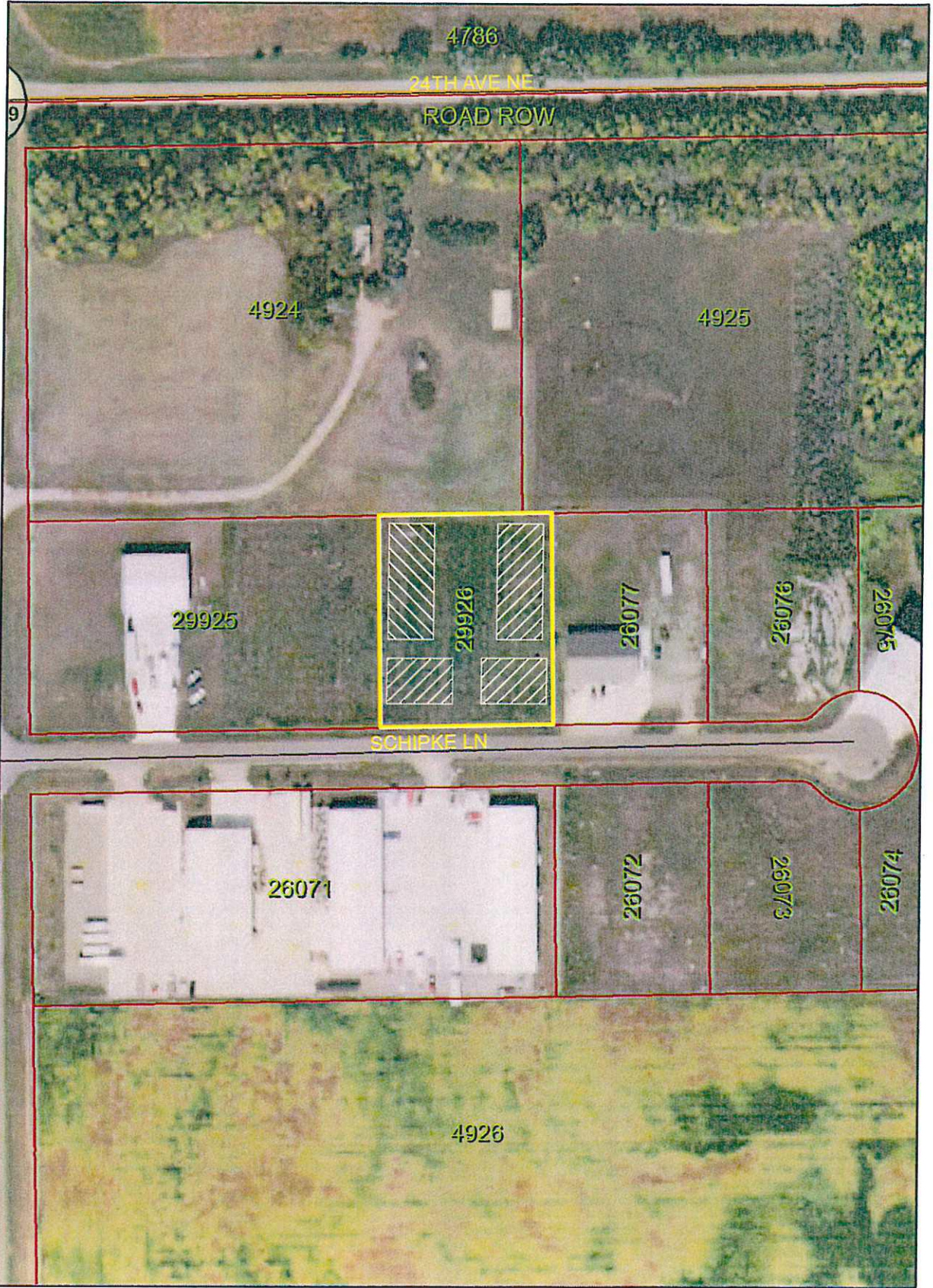
Reason: Construct Mini-storage units. Two small units and possibly two larger units

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

Dated this 3^d day of June, 2020

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

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4786

24TH AVE NE
ROAD ROW

9

4924

4925

29925

29926

26077

26076

26075

SCHIPKE LN

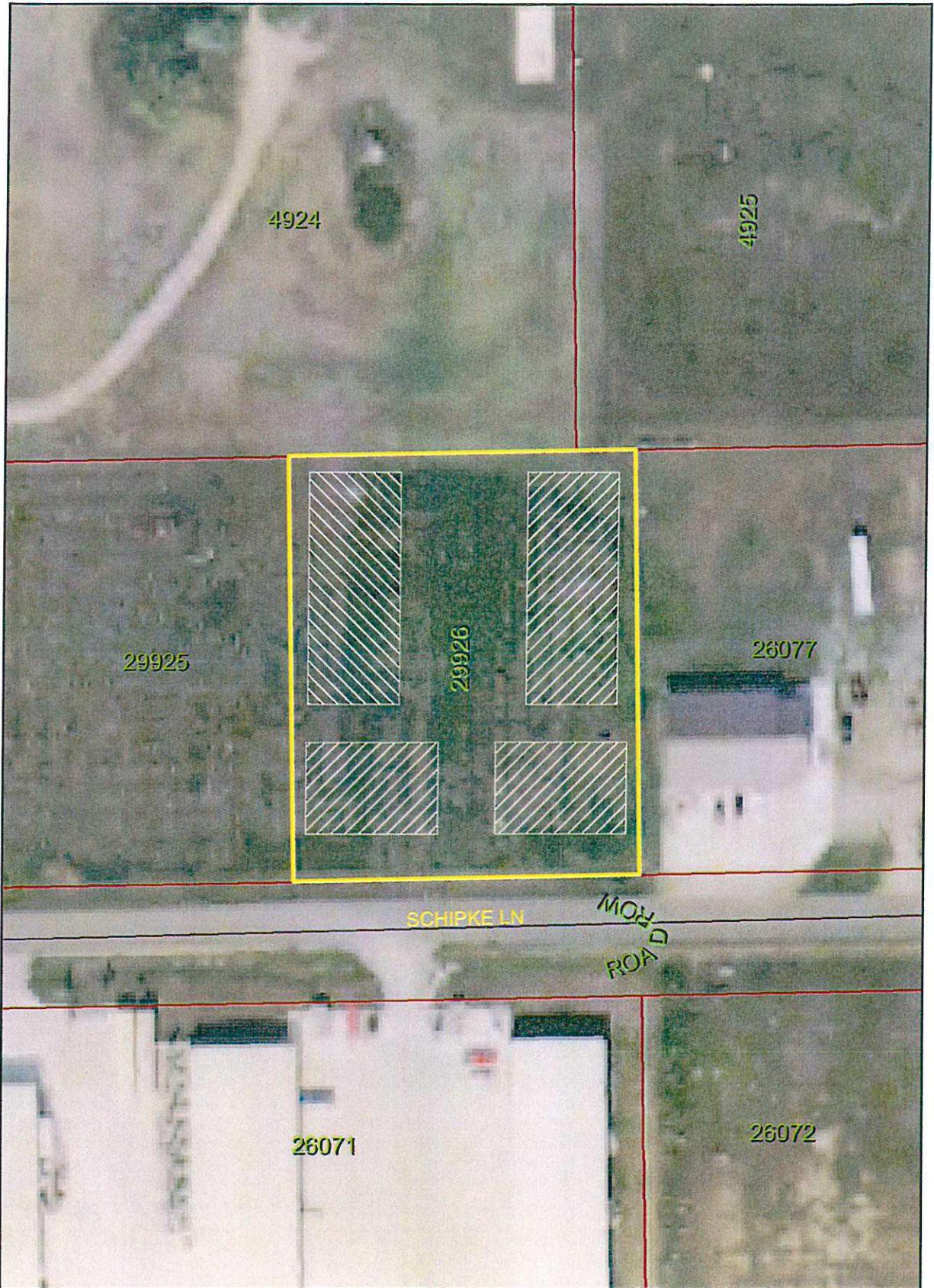
26071

26072

26073

26074

4926



4924

4925

29925

29926

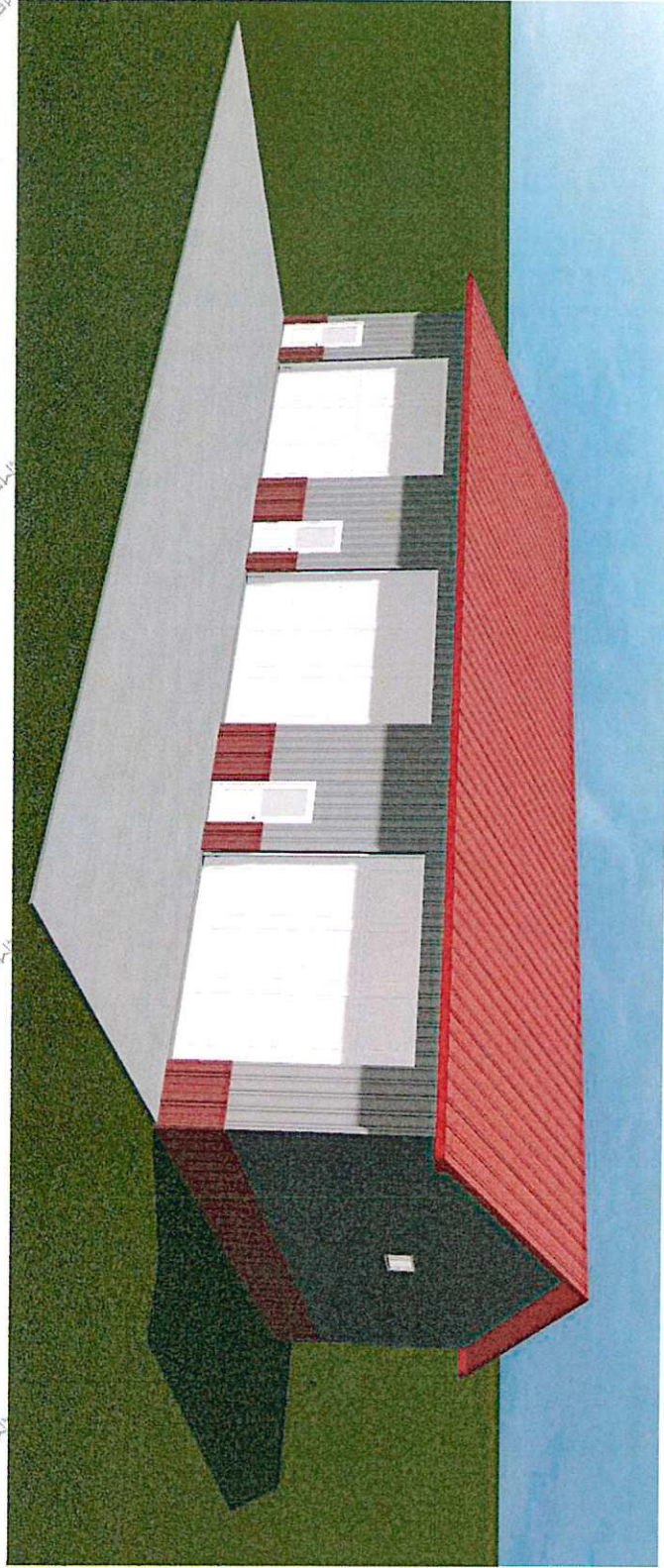
26077

SCHIPKE LN

MORROW ROAD

26071

26072



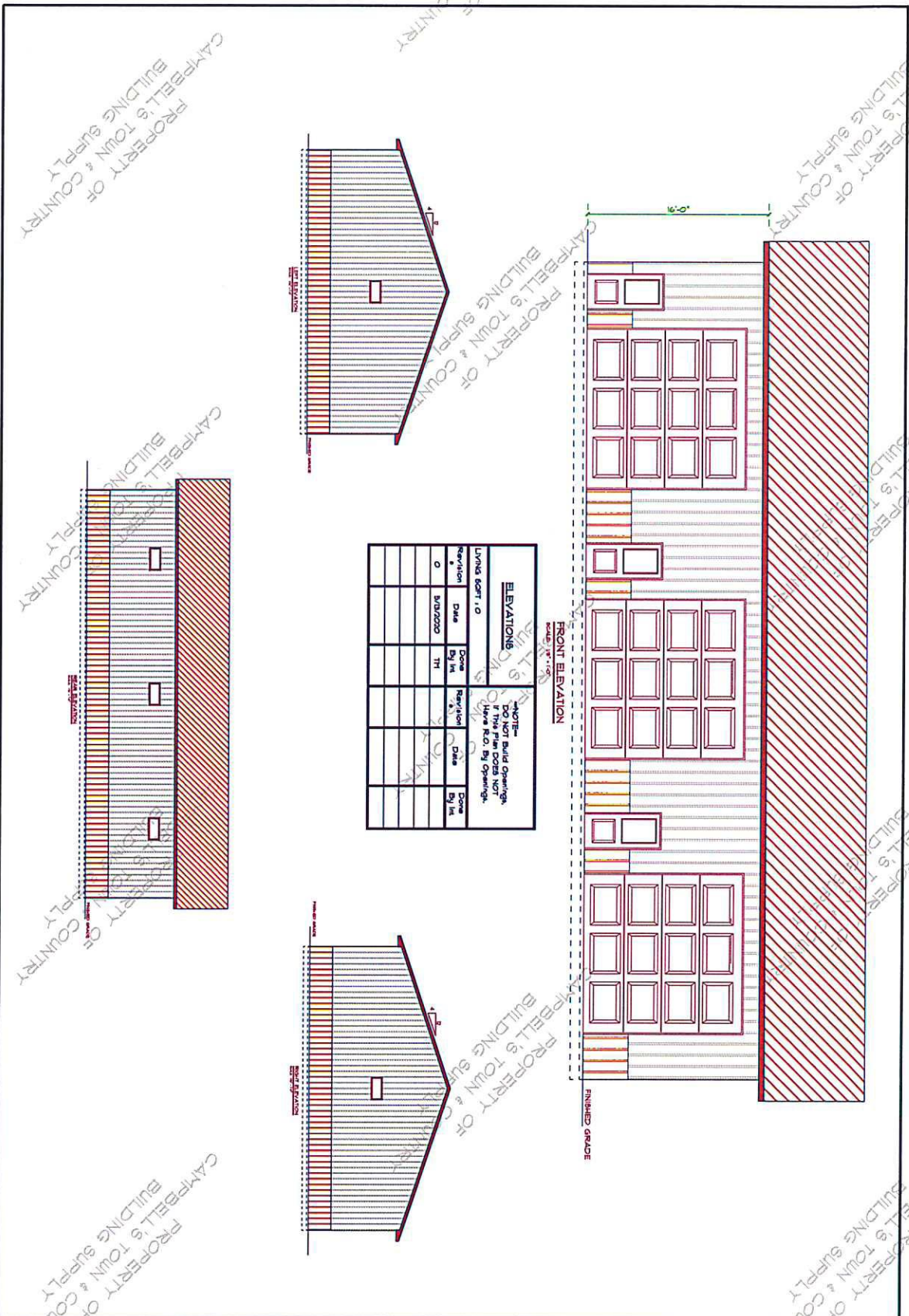
These drawings have been prepared using information provided to us by the customer and we are not responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building officials for the required building permits. We assume no responsibility for errors or omissions, copying from any errors, omissions, deficiencies or defects of any drawings.

CAMPBELL'S
TOWN & COUNTRY
 Building Supply
 1523 6TH AVE SW
 ABERDEEN, SD 57401

PHONE:
 (605) 225-1575
FAX:
 (605) 225-4537
www.tnclumber.com

DRAWN BY: Todd Mark
PLOT DATE: Monday, May 18, 2020
JOB: Kansas Storage Building 1
SALESMAN: Doug Karst
EMAIL: tnclumberd@nvc.net

PAGE:
 1



These drawings have been prepared using information provided by the customer and are not responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and local building department to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the required building permits. We assume no responsibility for errors or omissions resulting from any errors, omissions, or omissions or details of any drawings.

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PHONE:
(605) 225-1575

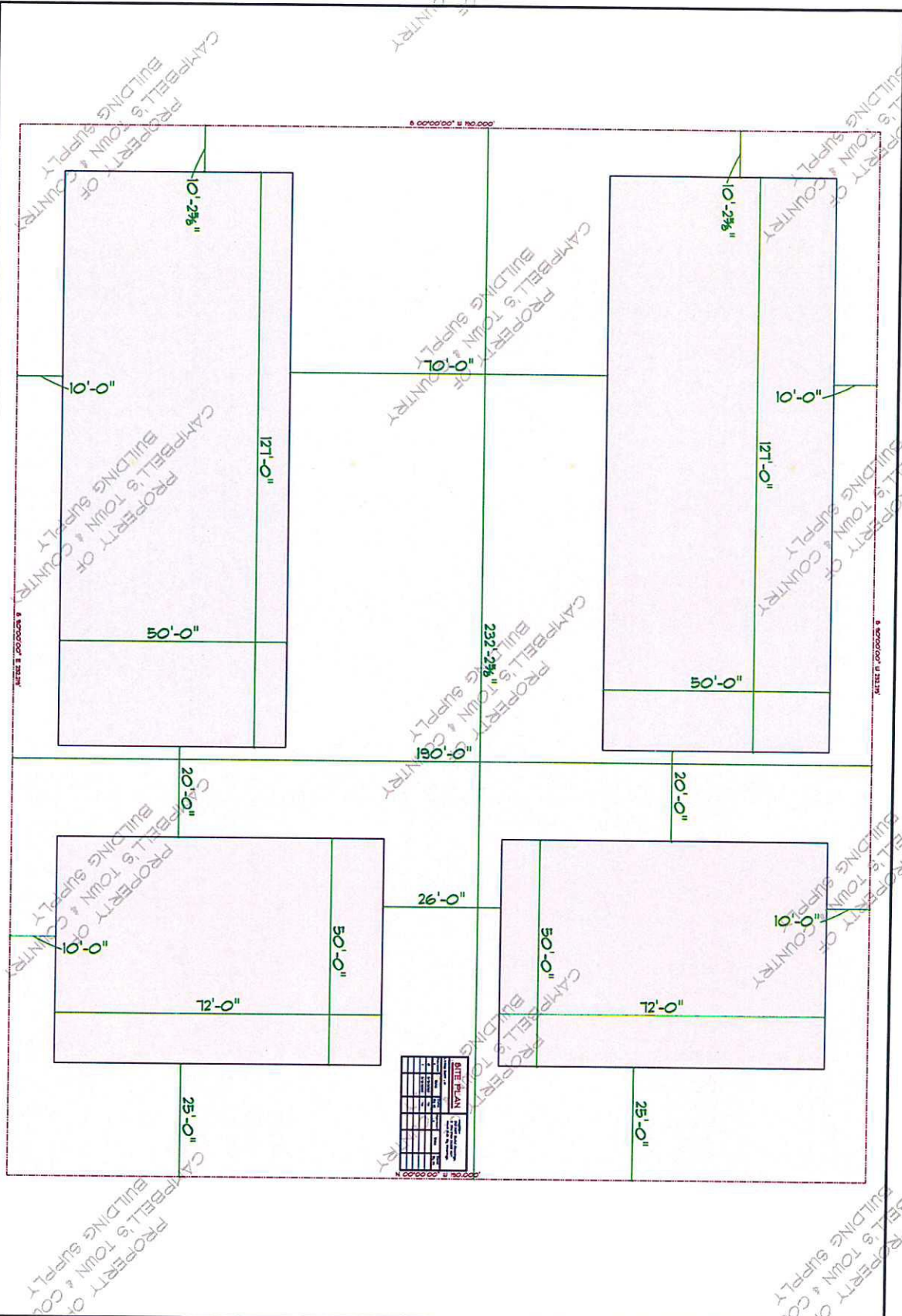
FAX:
(605) 225-4537

www.tnclumber.com

DRAWN BY: Todd Mark
PLOT DATE: Monday, May 18, 2020
JOB: Kansas Storage Building 1

SALESMAN: Doug Karst
EMAIL: tnclumberd@nvc.net

PAGE:
2



These drawings have been prepared using information provided to us by the customer and to which we are not responsible for the accuracy of the information provided. These drawings are not a permit, state and local building codes shall apply. The customer should consult their contractor or local building inspector to determine any changes to meet the state and local building codes requirements. Customer is responsible for obtaining local building permits for the proposed building project. We assume no responsibility for claims or damages arising from any errors, omissions, or omissions or defects of any drawings.

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PHONE:
(605) 225-1575

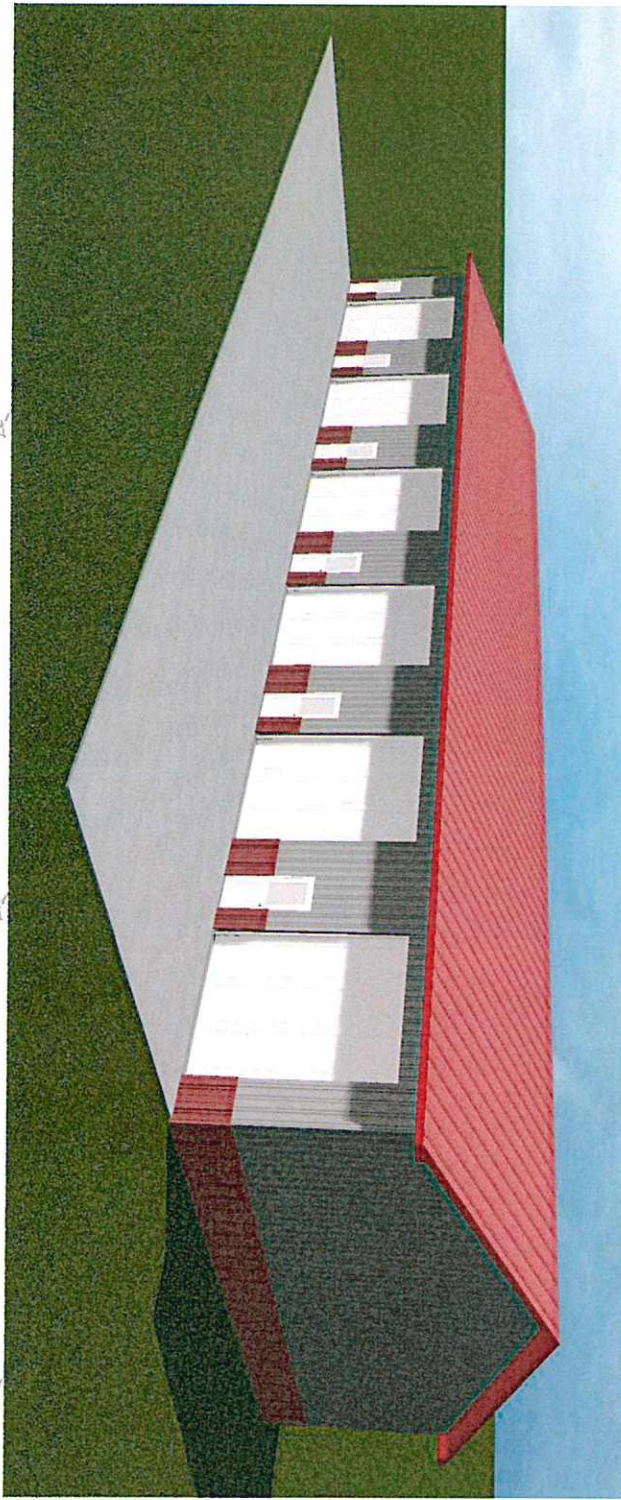
FAX:
(605) 225-4537

www.tnclumber.com

DRAWN BY: Todd Mork
PLOT DATE: Monday, May 18, 2020
JOB: Kansas Storage Building 1

SALESMAN: Doug Karst
EMAIL: tnclumber@nvc.net

PAGE:
4



These drawings have been prepared using information provided to us by the customer and we are not responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable code and local building codes which vary widely. The customer should consult their architect and/or local building department to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the required building permits. We assume no responsibility for claims or damages arising from any errors, omissions, deficiencies or omissions of any drawings.

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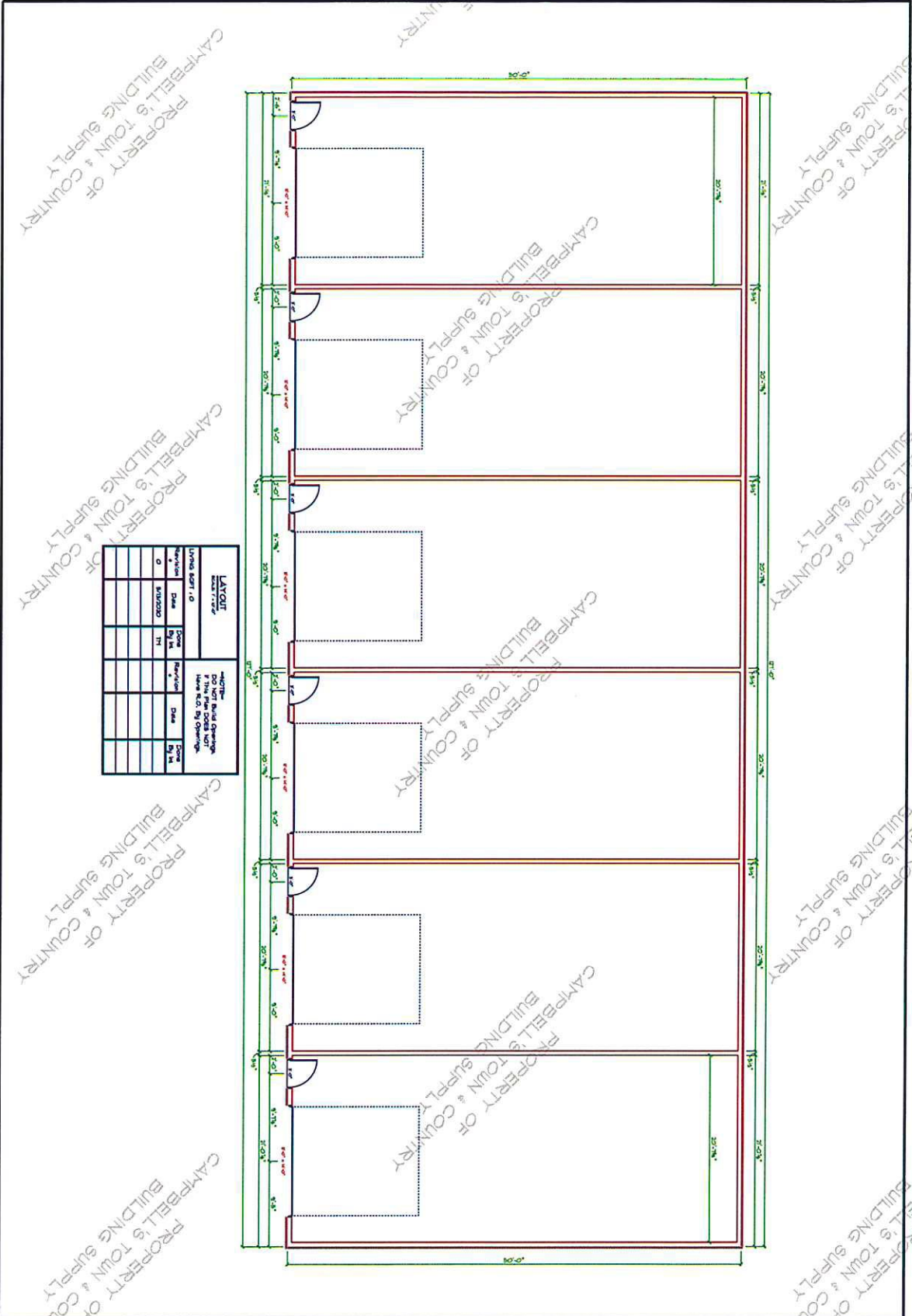
CAMPBELL'S TOWN & COUNTRY
Building Supply
1523 6TH AVE SW
ABERDEEN, SD 57401

PHONE:
(605) 225-1575
FAX:
(605) 225-4537
www.tnclumber.com

DRAWN BY: Todd Mork
PLOT DATE: Wednesday, May 13, 2020
JOB: Kannas Storage Building 2

SALESMAN: Doug Karst
EMAIL: tnclumber@nvc.net

PAGE:
1



LAYOUT		DATE		BY	
UNIT	DATE	UNIT	DATE	UNIT	DATE

These drawings have been prepared using information provided as is by the customer and is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for securing local building officials for the required building permits. We assume no responsibility for claims or damages arising from any errors, omissions, deficiencies or defects of any drawings.

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Building Supply
1523 6TH AVE SW
ABERDEEN, SD 57401

PHONE:
(605) 225-1575

FAX:
(605) 225-4537

www.tnclumber.com

DRAWN BY: Todd Mark
PLOT DATE: Wednesday, May 13, 2020
JOB: Kansas Storage Building 2

SALESMAN: Doug Karst
EMAIL: tnclumberd@nvc.net

PAGE:
3

STAFF REPORT
June 16, 2020

VARIANCE FOR BUILDING SETBACKS IN H-I

ITEM # 04

GENERAL INFORMATION

PETITIONER	Jarrold Kannas
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot 2, "S & C Schipke Subdivision of Lot 1, D & S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	4063 Schipke Ln
EXISTING ZONING	Heavy Industrial District (H-I)
SURROUNDING ZONING	
North:	Mini Agriculture District (M-AG)
South:	Heavy Industrial District (H-I)
East:	Heavy Industrial District (H-I)
West:	Heavy Industrial District (H-I)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for 10' setback from the north, east and west property lines rather than the required 25' and 25' from the south property line rather than the 100' required.

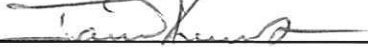
REVIEW: Petitioner was granted approval for this project under the City of Aberdeen I-2 setback requirements which require 25' setback from the front and 0' setback from the sides and rear when not adjacent to residential zoning. Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 12, 2020
RECEIPT # 327013
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK CASH
DATE: 6-2-20

OWNERS SIGNATURE: Jarrod Kannas 
OWNERS ADDRESS: 1335 Pinewood Ln
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-226-4125

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

REQUEST: Variance to Setbacks in an H-I District to build mini-storage buildings 10' from the rear and side property lines rather than the 25' required and 25' from the front rather than the 100' required.

LEGAL DESCRIPTION: Lot 2, "S & C Schipke Subdivision of Lot 1, D & S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____

By: _____ **Date:** _____

HEARING DATE: June 16, 2020 **TIME:** 7:00pm

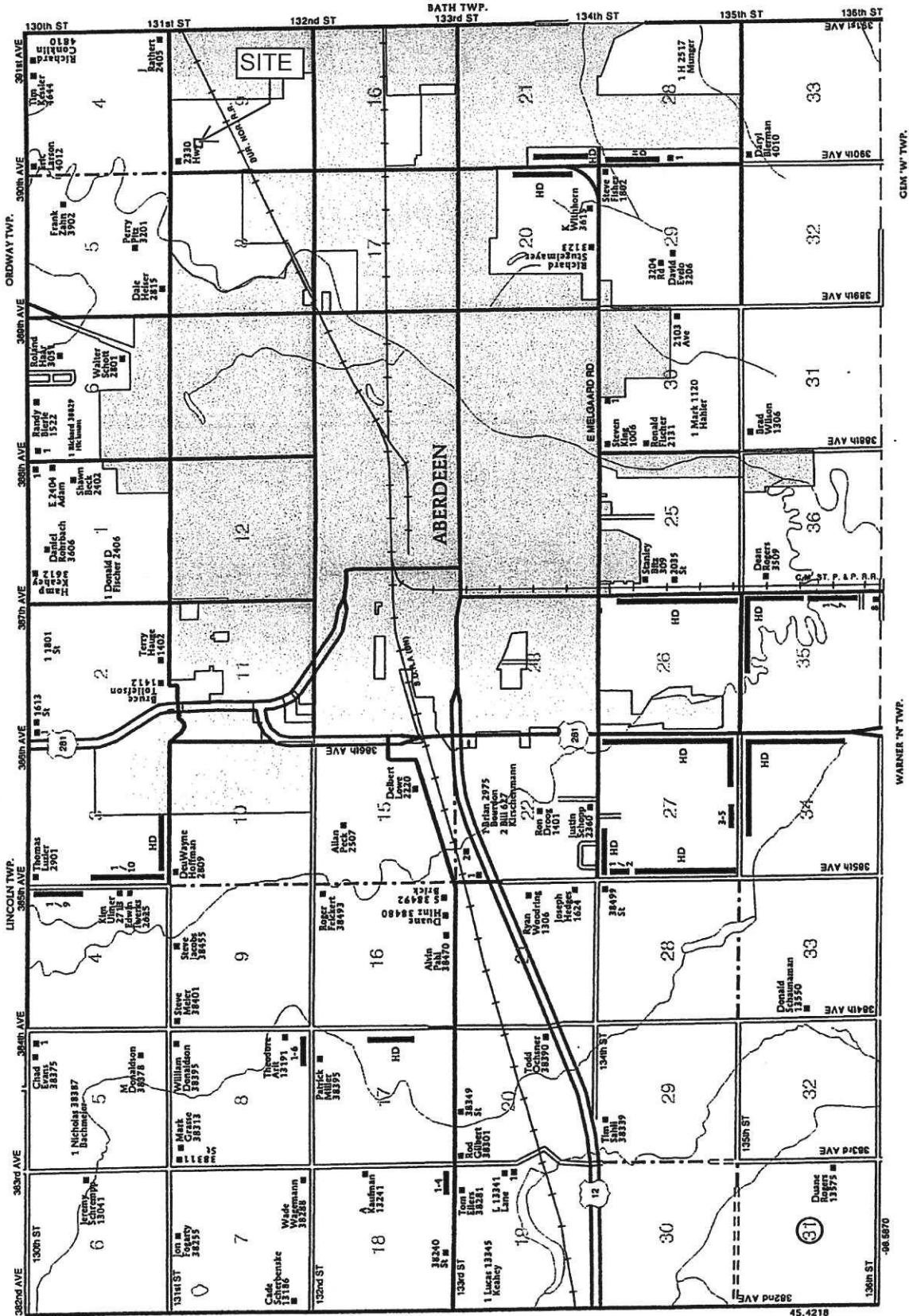
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-123-N

ABERDEEN DIRECTORY

R-63-64-W

(Residents - Owners or Renters)



CLEM TWP.

WARNER TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

MERCIER TWP.

45.4218

98.8970

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 June 16, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Heavy Industrial District (H-I).

Petitioner / Owner: Jarrod Kannas

Description of property: Lot 2, "S & C Schipke Subdivision of Lot 1, D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4063 Schipke Lane).

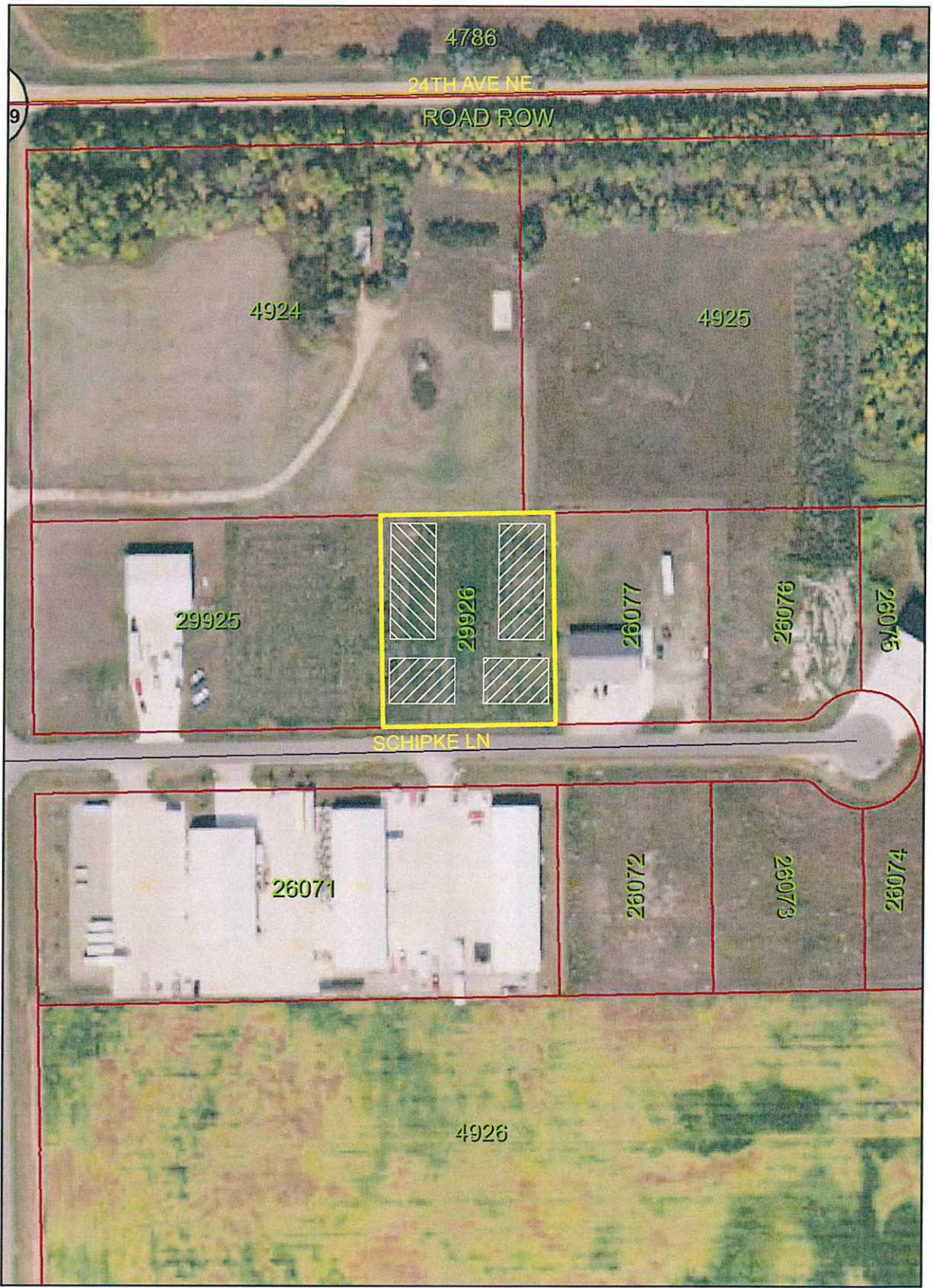
Reason: owner would like a Variance to Setbacks in an H-I District to be 10' from the north, east and west property lines rather than 25' required and 25' from the south property line rather than the 100' required.

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

Dated this 3th day of June 2020

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

Published once at the total approximate cost of _____.



4786

24TH AVE NE
ROAD ROW

4924

4925

29925

29926

26077

26076

26075

SCHIPKE LN

26071

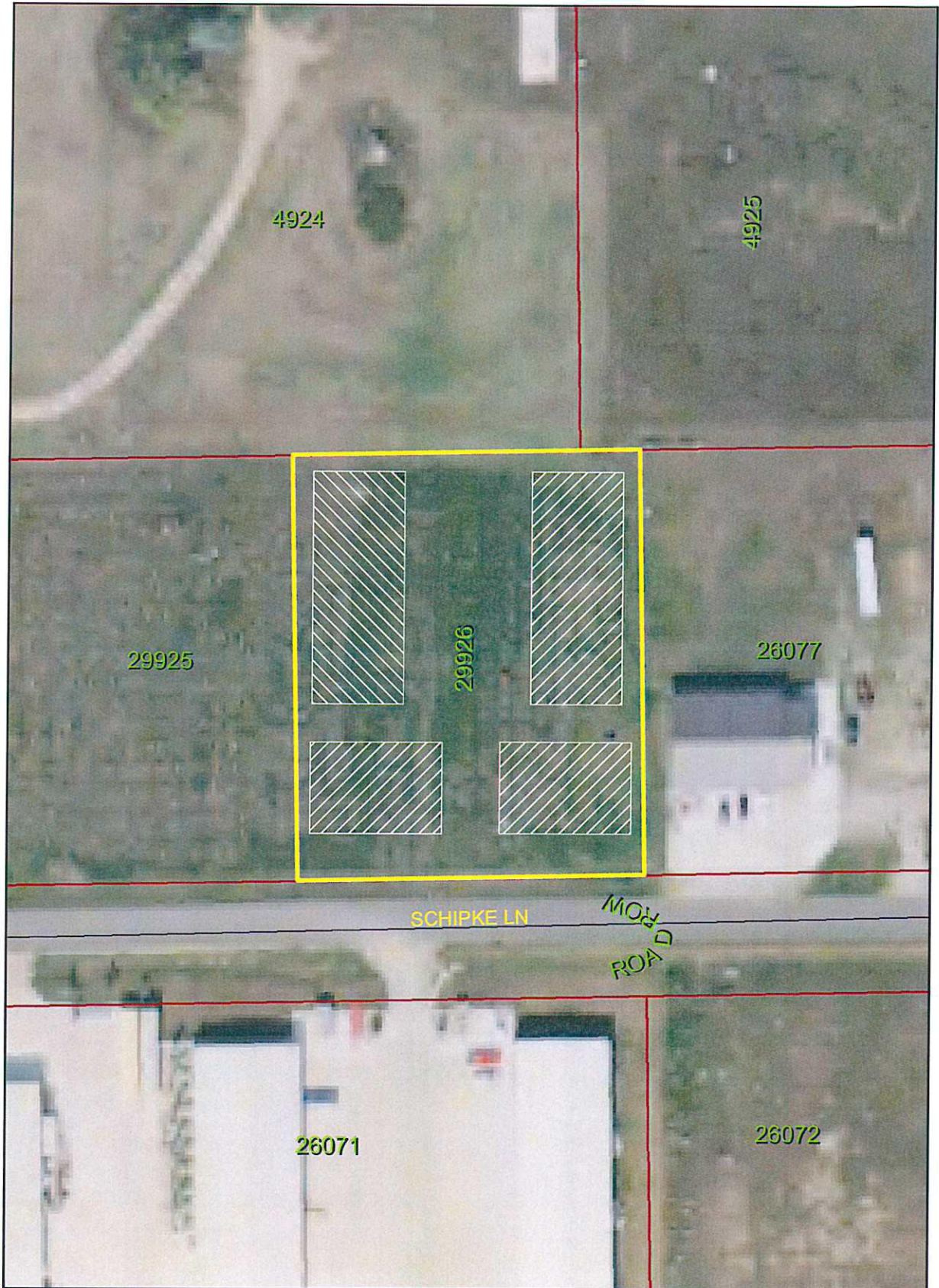
26072

26073

26074

4926

9



4924

4925

29925

29926

26077

SCHIPKE LN

ROAD FROM

26071

26072

STAFF REPORT
June 16, 2020

VARIANCE FOR LOT FRONTAGE IN AG-P

ITEM # 05

GENERAL INFORMATION

PETITIONER	Todd Hanson
REQUEST	Variance for Lot Frontage
LEGAL DESCRIPTION	Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	2805 N. 391 st Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Mini-Ag District (M-AG)
South:	Agriculture Preservation District (AG-P)
East:	Highway Commercial District (H-C)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for 100' frontage width rather than the required 200' by 4.0605

REVIEW: Staff has reviewed this request and recommends approval.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Swede Addition

QUARTER: SE SECTION: 4 TOWNSHIP: 123 RANGE: 63

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

OWNERS NAMES: Carson Larson

OWNERS NAMES: Julie Larson

OWNERS NAMES: Todd Hanson

ENGINEER OR SURVEYOR: Zachary Remily (Clark Engineering)

TYPE: PRELIMINARY FINAL BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 TOTAL: \$ 100.00 DATE PAID: 04 / 21 / 202004

RECEIVED BY PLANNING DEPARTMENT: 04 / 30 / 2020 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT X CONVEYANCE FINANCIAL PURPOSES BOTH

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

STREETS/ROADS NAMED PROPERLY

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE

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

HIGHWAY SIGNATURE LINE SIGNED X

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

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 VARIANCE

DATE: May 27, 2020
RECEIPT # 327020
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 6/3/2020

OWNERS SIGNATURE: Carson Larson
OWNERS ADDRESS: PO Box 98
OWNERS CITY, STATE, ZIP: Columbia, SD 57433
OWNERS PHONE: _____

AGENTS SIGNATURE: Todd Hanson 
AGENTS ADDRESS: 12847 393rd Ave
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-216-1800

REQUEST: Variance to Frontage in an AG-P District to be 100' rather than the 200' required by 4.0605

LEGAL DESCRIPTION: Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00pm

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

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 June 16, 2020 at 7:00 P.M. for the purpose of a Variance to Frontage in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Todd Hanson

Description of property: Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N. 391st Ave.).

Reason: Petitioner would like a Variance to Frontage in an AG-P District to be 100' wide rather than 200' required.

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

Dated this 3rd day of June 2020

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

Published once at the total approximate cost of _____.

Brown County GIS Map
(for reference only)

4.0 acres

792

100'

770'

1.77 acres

770'

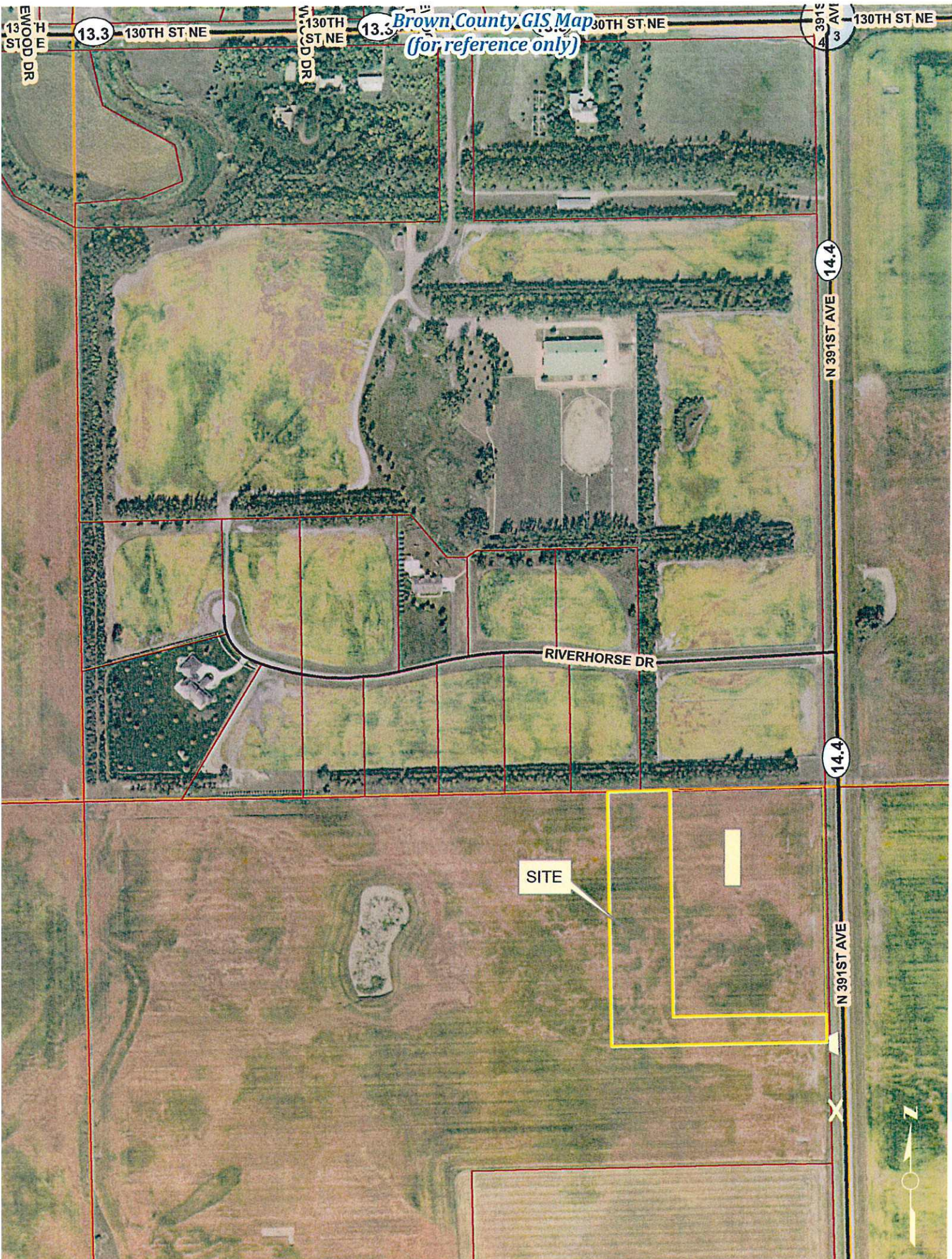
14.4 N 391ST AVE

New Approach

Remove existing approach and
reuse the dirt on new approach



Brown County GIS Map
(for reference only)



13
ST
EWOOD DR

13.3 130TH ST NE

W 130TH ST NE
W 130TH ST NE

13.3

130TH ST NE

391S
4
3
AVI

130TH ST NE

14.4

N 391ST AVE

RIVERHORSE DR

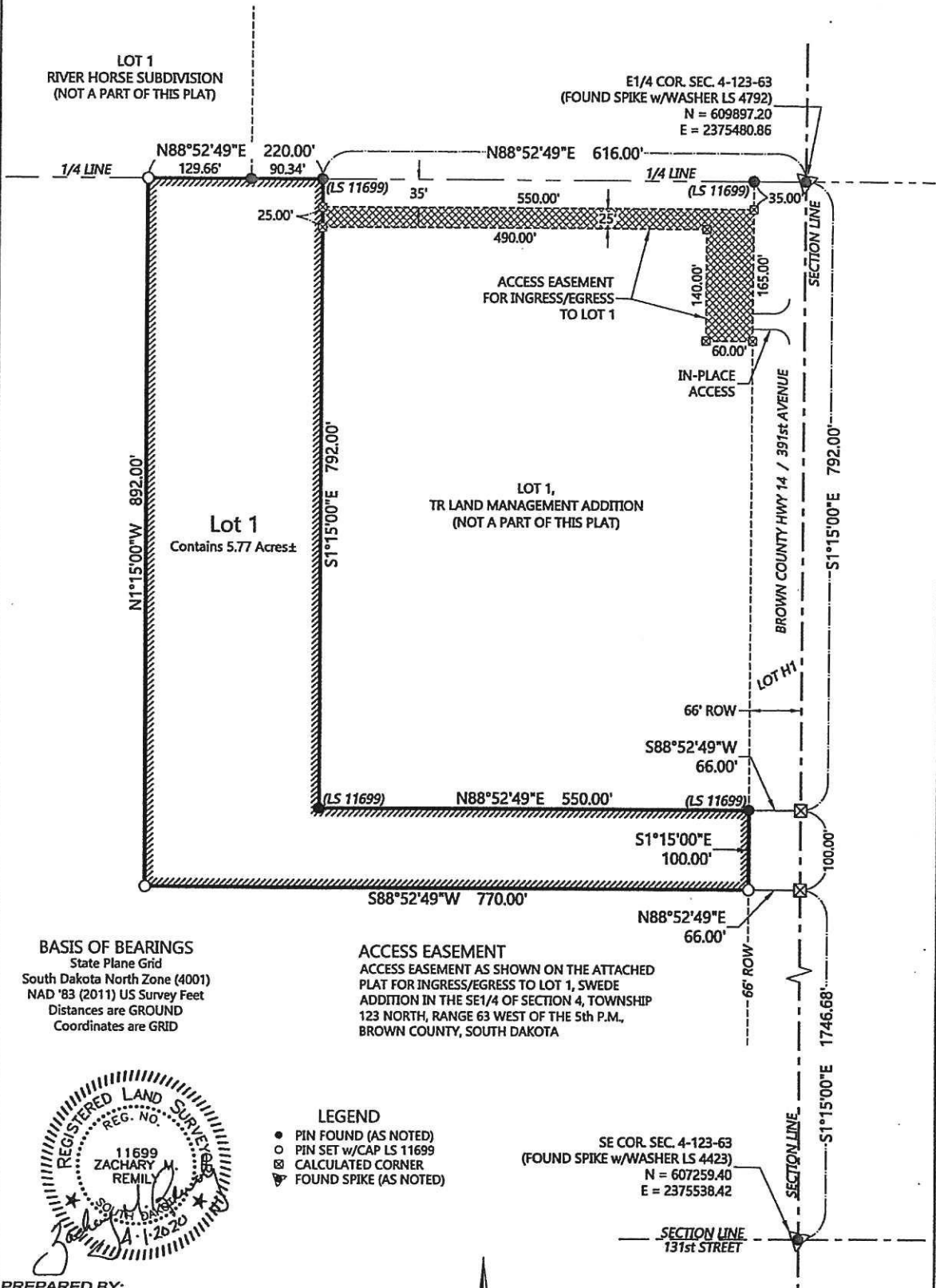
14.4

N 391ST AVE

SITE



PLAT SHOWING
SWEDE ADDITION
 IN THE SE1/4 OF SECTION 4,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



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

ACCESS EASEMENT
 ACCESS EASEMENT AS SHOWN ON THE ATTACHED
 PLAT FOR INGRESS/EGRESS TO LOT 1, SWEDE
 ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP
 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



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

SE COR. SEC. 4-123-63
 (FOUND SPIKE w/WASHER LS 4423)
 N = 607259.40
 E = 2375538.42

PREPARED BY:

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



PLAT SHOWING
SWEDE ADDITION
 IN THE SE1/4 OF SECTION 4,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Carson Larson and Julie Larson, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that they are the owner of the Southeast Quarter (SE1/4) of Section Four (4), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., [EXCEPT that portion deeded for highway purposes, EXCEPT Lot H-1 thereof and EXCEPT the Southeast Quarter of the Southeast Quarter of Section 4, Township 123 North, Range 63 West of the 5th P.M.] Brown County, South Dakota (WARRANTY DEED filed 1-27-2020 and duly recorded in Book 305, Page 18), and that they have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Owners:

Carson Larson _____

Signed this _____ day of _____, 2020.

Julie Larson _____

Signed this _____ day of _____, 2020.

COUNTY OF _____)
) SS
 STATE OF _____)

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

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

My Commission Expires: _____

Notary Public _____

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 13 day of April, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HWY 14 - 391st AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020.

Highway or Street Authority _____

COUNTY PLANNING COMMISSION APPROVAL

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

Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

PREPARED BY:



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

PLAT SHOWING
SWEDE ADDITION
IN THE SE1/4 OF SECTION 4,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY COMMISSION APPROVAL

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

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

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

Signed this _____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

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

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

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

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

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

A20028

STAFF REPORT
June 16, 2020

VARIANCE FOR LOT SIZE IN AG-P

ITEM # 06

GENERAL INFORMATION

PETITIONER	Todd Hanson
REQUEST	Variance for Lot Size
LEGAL DESCRIPTION	Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	2805 N. 391 st Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Mini-Ag District (M-AG)
South:	Agriculture Preservation District (AG-P)
East:	Highway Commercial District (H-C)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for Lot 1, "Swede Addition" zoned (AG-P) to allow this lot to be less than the 40 acres (5.77 acres) and stay zoned (AG-P) using Chapter 4.0605.1 "Shelter of Grain".

REVIEW: Staff has reviewed this request and recommends approval.


BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 27, 2020
RECEIPT # 327020
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHR/CASH
DATE: 6/3/2020

OWNERS SIGNATURE: Carson Larson
OWNERS ADDRESS: PO Box 98
OWNERS CITY, STATE, ZIP: Columbia, SD 57433
OWNERS PHONE: _____

AGENTS SIGNATURE: Todd Hanson 
AGENTS ADDRESS: 12847 393rd Ave
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-216-1800

REQUEST: Variance to Lot Size in an AG-P District to be less than the 40 acres required
using Chapter 4.0605.1 "shelter of grain".

LEGAL DESCRIPTION: Lot I, "Swede Addition" in the SE1/4 of Section 4-T123N,R63W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00pm

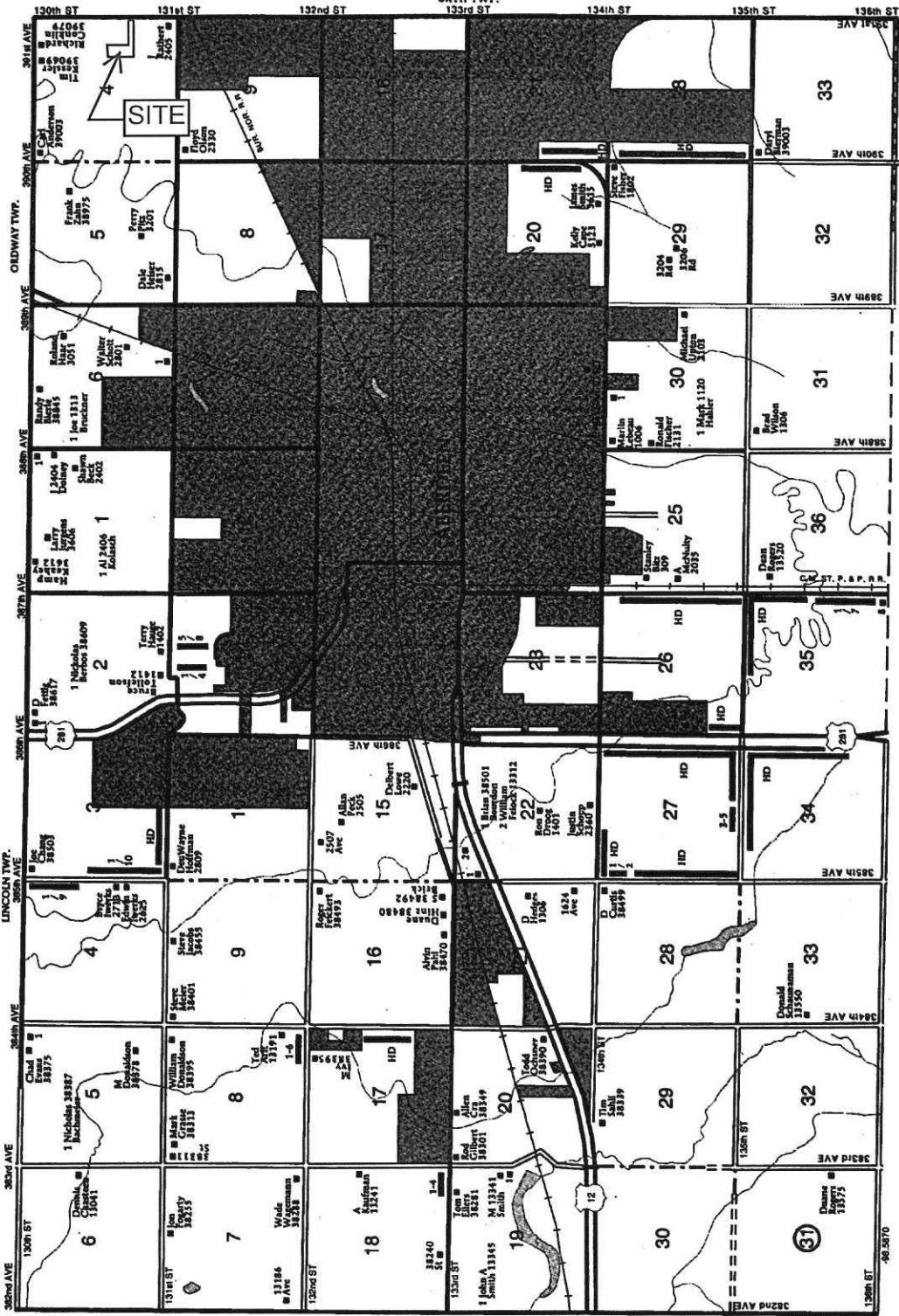
MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)

BATH TWP.



- ABERDEEN TOWNSHIP**
- SECTION 3**
- 1 2724
 - 2 Smith, Douglas 2716
 - 3 Heintzman, Rob 2706
 - 4 2622
 - 5 Sensat, Jeff 2610
 - 6 Zacher, Leland 2602
 - 7 Emery, T 2536
- SECTION 4**
- 8 2604
 - 9 Bossert, Curt 2422
 - 10 Bollwerk, Donald 2402
- SECTION 5**
- 1 Blase, Bruce 3229
 - 2 Moser, Kevin 3221
 - 3 Vanderhook, Corey 3213
 - 4 Goehring, Laran 3205
 - 5 Dykema, Clay 3133
- SECTION 6**
- 6 Fisher, Paul 3125
 - 7 Fetziuff, Fred 3105
 - 8 Newman, Marty 3021
 - 9 Hutzinger, Arnold 2915
- SECTION 7**
- 1 Larson, Dan 2329
 - 2 Koleske, Joe 2327
 - 3 Lipp, Leon 2325
 - 4 Conradt, D 2223
 - 5 Renzler, Robert 2200
- SECTION 8**
- 4 Streifer, Steve 36390
 - 5 Bits, Robert 36362
 - 6 Zimmer, Kyle 36356
- SECTION 9**
- 1 Lanson, Dan 38280
 - 2 Dahme, Art 38282
 - 3 Wherry, Laver 38290
 - 4 Dress, K 38296
- SECTION 10**
- 6 Hilgemann, Byron 2328
 - 7 Mauritzson, John 2324
 - 8 Volcke, Dennis 2322
- SECTION 11**
- 1 Eischinger, John 38280
 - 2 Dahme, Art 38282
 - 3 Wherry, Laver 38290
 - 4 Dress, K 38296
- SECTION 12**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 13**
- 2 Thrash, Peter 13561
 - 3 Swanson, Elean 13569
 - 4 Boeddeker, William 13573
 - 5 Robinson, Randall 13575
 - 6 Rahm, Marion 13579
 - 7 Schroh, Joseph 13593
 - 8 Fredrickson, Dale 38692
- SECTION 14**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 15**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 16**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 17**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 18**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 19**
- 1 1805
 - 2 Paulsen, William 1823
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 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 20**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 21**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 22**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 23**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 24**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 25**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 26**
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 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 27**
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 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 28**
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 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 29**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 30**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 31**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 32**
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 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 33**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 34**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 35**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 36**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692
- SECTION 37**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Forreal, Raymond 38556
 - 6 Fredrickson, Dale 38692

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 June 16, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Todd Hanson

Description of property: Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota (2805 N. 391st Ave.).

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

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

Dated this 3rd day of June 2020

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

Published once at the total approximate cost of _____.

*Brown County GIS Map
(for reference only)*

4.0 acres

792

100'

770'

1.77 acres

770'

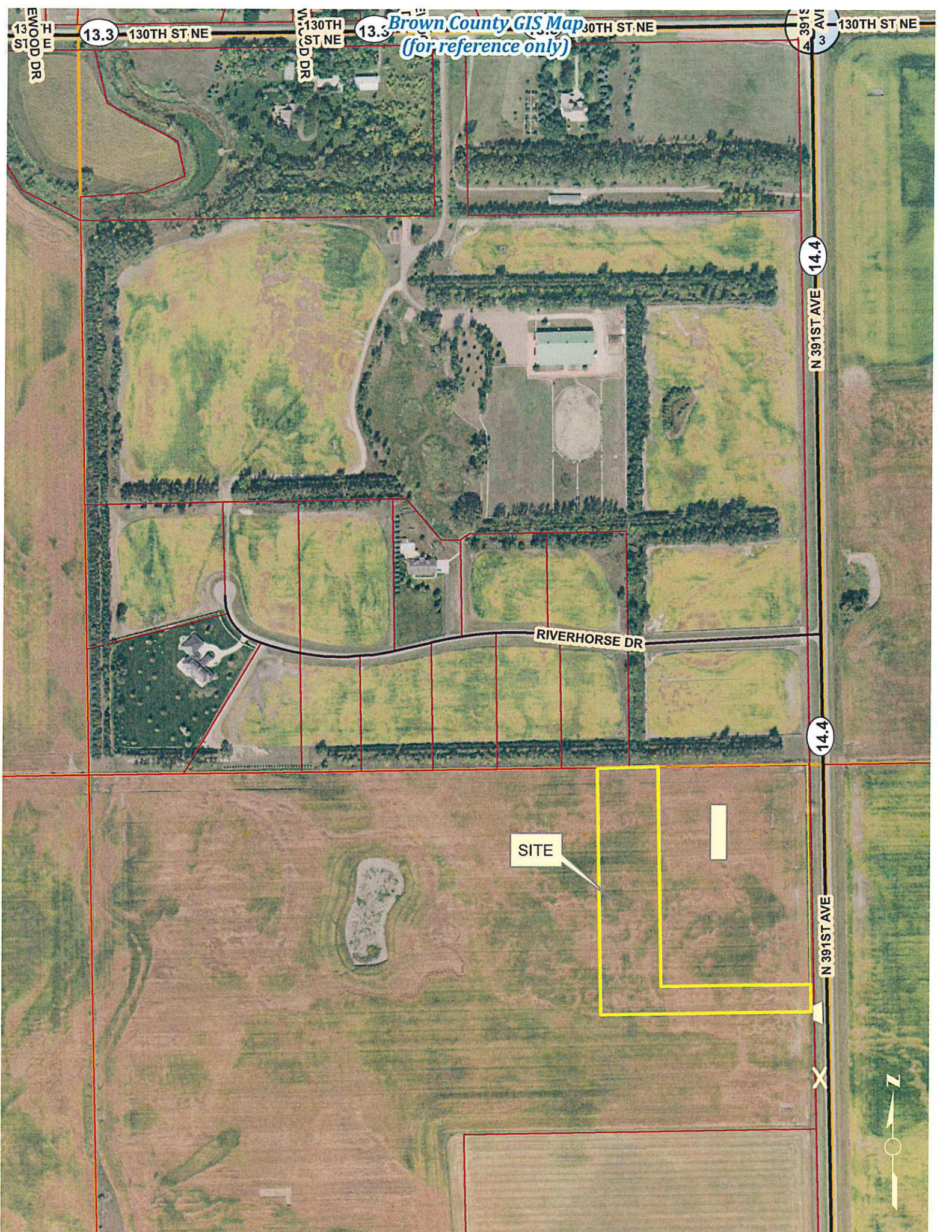
14.4 N 391ST AVE

New Approach

Remove existing approach and
reuse the dirt on new approach



Brown County GIS Map
(for reference only)



13.3
EWING DR
130TH ST NE

13.3

130TH ST NE

13.3
W. C. C. DR
130TH ST NE

13.3

130TH ST NE

14.4
N 391ST AVE

130TH ST NE

14.4

N 391ST AVE

RIVERHORSE DR

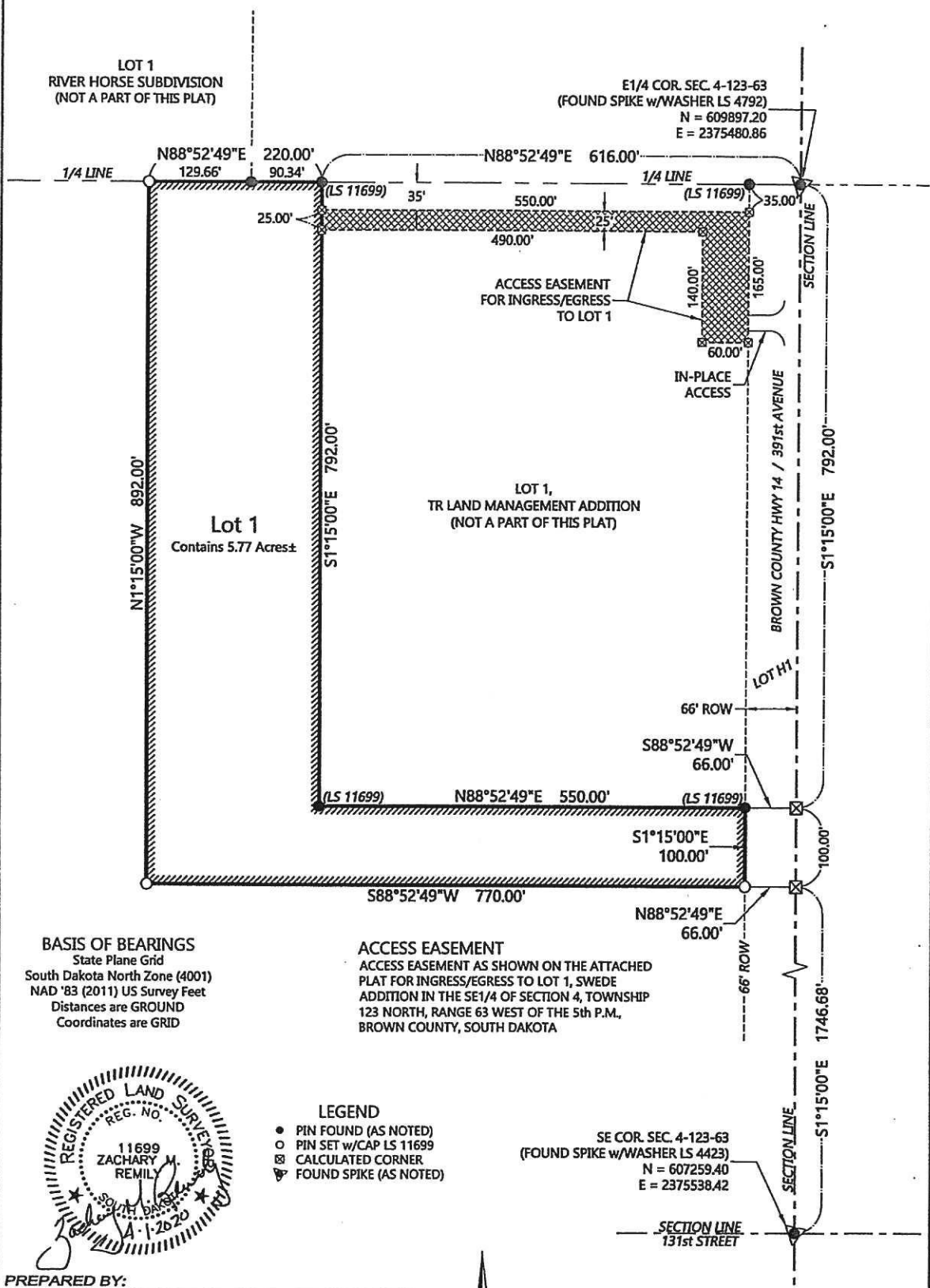
14.4

N 391ST AVE

SITE



PLAT SHOWING
SWEDE ADDITION
 IN THE SE1/4 OF SECTION 4,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



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

ACCESS EASEMENT
 ACCESS EASEMENT AS SHOWN ON THE ATTACHED
 PLAT FOR INGRESS/EGRESS TO LOT 1, SWEDE
 ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP
 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA

LEGEND

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

SE COR. SEC. 4-123-63
 (FOUND SPIKE w/WASHER LS 4423)
 N = 607259.40
 E = 2375538.42



PREPARED BY:

CLARK
 ENGINEERING

Clark Engineering Corporation
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 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433
 Aberdeen@clark-eng.com EOE



PLAT SHOWING
SWEDE ADDITION
 IN THE SE1/4 OF SECTION 4,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Carson Larson and Julie Larson, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that they are the owner of the Southeast Quarter (SE1/4) of Section Four (4), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., [EXCEPT that portion deeded for highway purposes, EXCEPT Lot H-1 thereof and EXCEPT the Southeast Quarter of the Southeast Quarter of Section 4, Township 123 North, Range 63 West of the 5th P.M.] Brown County, South Dakota (WARRANTY DEED filed 1-27-2020 and duly recorded in Book 305, Page 18), and that they have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Owners:

Carson Larson

Signed this _____ day of _____, 2020.

Julie Larson

Signed this _____ day of _____, 2020.

COUNTY OF _____)
) SS
 STATE OF _____)

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

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

My Commission Expires: _____

Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 12 day of April, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HWY 14 - 391st AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020.

 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

PREPARED BY:



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

PLAT SHOWING
SWEDE ADDITION
IN THE SE1/4 OF SECTION 4,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY COMMISSION APPROVAL

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

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

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

Signed this _____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

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

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

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

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

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

A20028

STAFF REPORT
June 16, 2020

VARIANCE FOR APPROACH SEPARATION IN AG-P **ITEM # 07**

GENERAL INFORMATION

PETITIONER Prairie Hill Farms

REQUEST **Variance for Approach Separation**

LEGAL DESCRIPTION Prairie Hill Farms First Subdivision in the
SE1/4 of Section 34-T124N-R64W of the
5th P.M., Brown County, South Dakota

LOCATION 2220 130th Street NW

EXISTING ZONING Agriculture Preservation District (AG-P)

SURROUNDING ZONING

 North: Mini Agriculture District (M-AG)

 South: Mini Agriculture District (M-AG)

 East: Highway Commercial District (HC)

 West: Mini Agriculture District (M-AG)

REPORTED BY Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for an
 approach separation to be 430' rather than the
 required 500'.

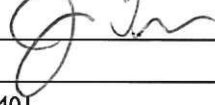
REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 27, 2020
RECEIPT # 327016
TOWNSHIP: Lincoln Twp

FEES: \$100.00
PAID: (YES) NO (CHK) CASH
DATE: 6-2-20

OWNERS SIGNATURE: Prairie Hill Farms 
OWNERS ADDRESS: PO Box 1359
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 60-216-6002

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

REQUEST: Variance for an approach to be 430' from the East approach existing and 550' from the West approach.
on Brown County 13.

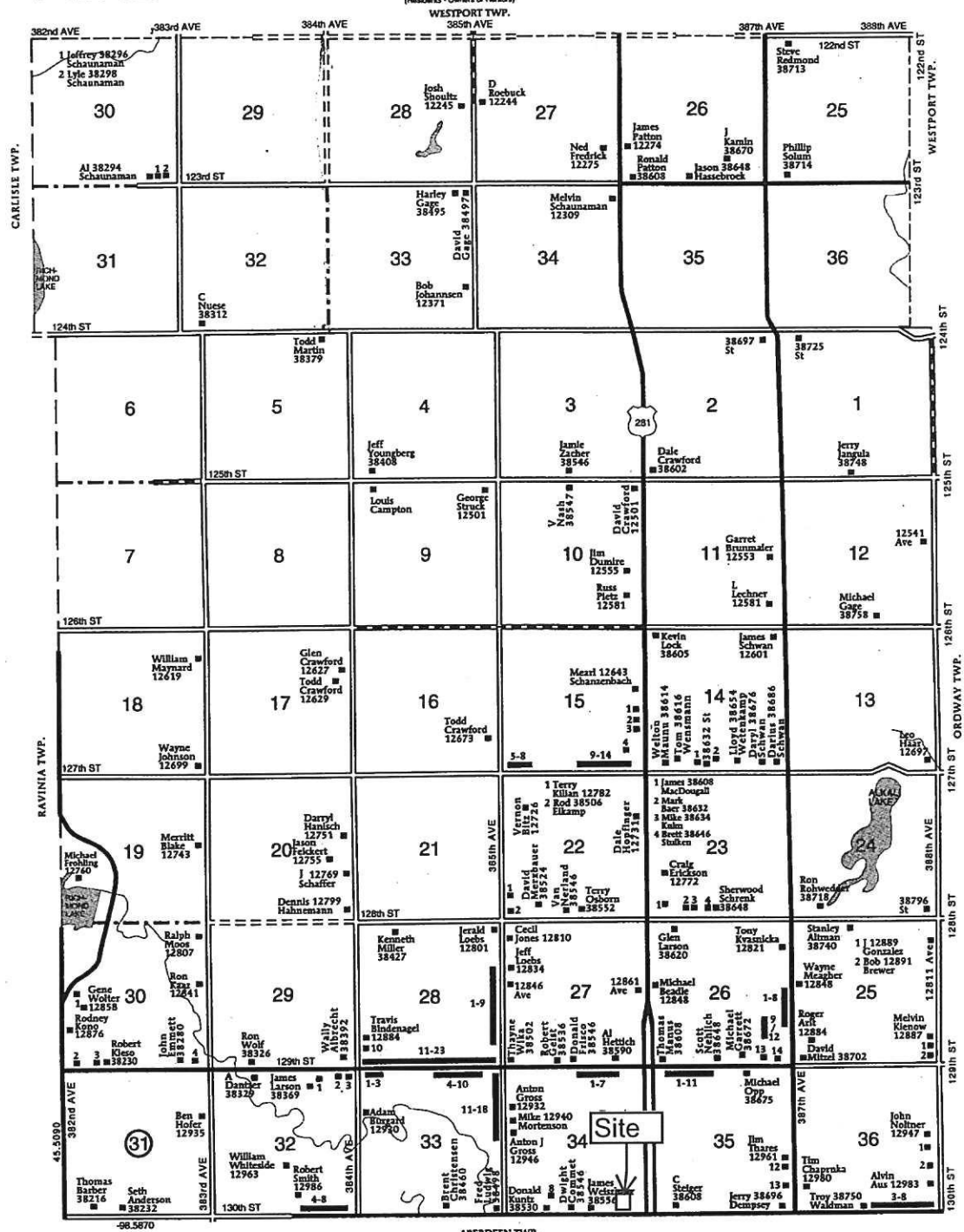
LEGAL DESCRIPTION: Prairie Hill Farms First Subdivision in the SE1/4 of Section 34-T124N-R64W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00 pm

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



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

- SECTION 26S**
- 1 Wetenkamp, Lloyd D 12847
 - 2 Hedges, Kendall 12849
 - 3 Labay, Richard 12851
 - 4 Kolb, Myron 12855
 - 5 12857
 - 6 Wacholz, B 12861
 - 7 Simonson, Lee 12869
 - 8 Rychlik, Jerald 12875
 - 9 Keller, Mike 12862
 - 10 Stein, Craig 12866
 - 11 Hedge, Duane 12870
 - 12 Call, Ty 12874
 - 13 Wahi, Merle 38696
 - 14 Punt, Lawayne 38690
- SECTION 28S**
- 1 Drageset, Jamie 12833
 - 2 Adolf, Gregory 12839
 - 3 Hoeltzner, Curtis 12843
 - 4 Wilkie, Chad 12845
 - 5 Carlson, Cartor 12853

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

- 3 38228
 - 4 Mandel, Lonnie 38294
- SECTION 32S**
- 1 Lehr, Cary 38373
 - 2 Otto, Randall 38393
 - 3 Gosvener, Ken 12901
 - 4 Martijnmaas, Roger 38364
 - 5 Thorstenson, Casey 38370
 - 6 Harms, Bruce 38374
 - 7 Hartung, Mark 38396
 - 8 Keller, Edward 38392
- SECTION 33S**
- 1 Waltman, Frank 38405
 - 2 Malsam, Ervin 38409
 - 3 Krueger, Gerald 38413
 - 4 Burt, Roy 38453
 - 5 Sutton, Duane 38459
 - 6 Aman, Bonnell 38463
 - 7 Haggmann, Rick 38469
 - 8 Allible, M 38479

- 9 Feickert, Dennis 38485
 - 10 Foss, Kevin 38489
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 - 12 Entzel, Ernest 12907
 - 13 Malsam, Joe 38629
 - 14 Falken, Jess 12915
 - 15 Skott, Randy 12921
 - 16 Kurtz, B 12927
 - 17 Gross, Joe 12941
 - 18 Schlosser, Rudolph 12945
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- 1 Hartung, John 38549
 - 2 Shilman, Larry 38557
 - 3 Terrell, Ron 38559
 - 4 Odde, N 38563
 - 5 Volzke, Randy 38587
 - 6 Malsam, Melvin 38589
 - 7 Igo, Loren 38591
 - 8 Ritter, Loren 38534
- SECTION 35S**
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- 2 Luitjens, Mark 38631
 - 3 Hollan, Ray 38635
 - 4 Hendrickson, J 38649
 - 5 Anliker, Alvin 38655
 - 6 Malsam, Joe 38629
 - 7 Hanley, Tom 38630
 - 8 Fix, Jeffrey 38637
 - 9 Binder, Brandon 38643
 - 10 Mercer, V 12911
 - 11 Tchida, Mervin 12914
 - 12 Thares, Clark 12969
 - 13 Diede, James 12979
- SECTION 36S**
- 1 Dalager, John 12953
 - 2 Hinds, Bill 12971
 - 3 Waldman, Clarence 38756
 - 4 Waldman, Galen 38762
 - 5 Pence, Bryan 38766
 - 6 Cowan, Richard 38770
 - 7 Lonning, Stuart 38782
 - 8 Bock, Jeff 38792

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 June 16, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agricultural Preservation District (AG-P).

Petitioner / Owner: *Prairie Hill Farms*

Description of property: *Prairie Hill Farms First Subdivision in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 130th Street NW).*

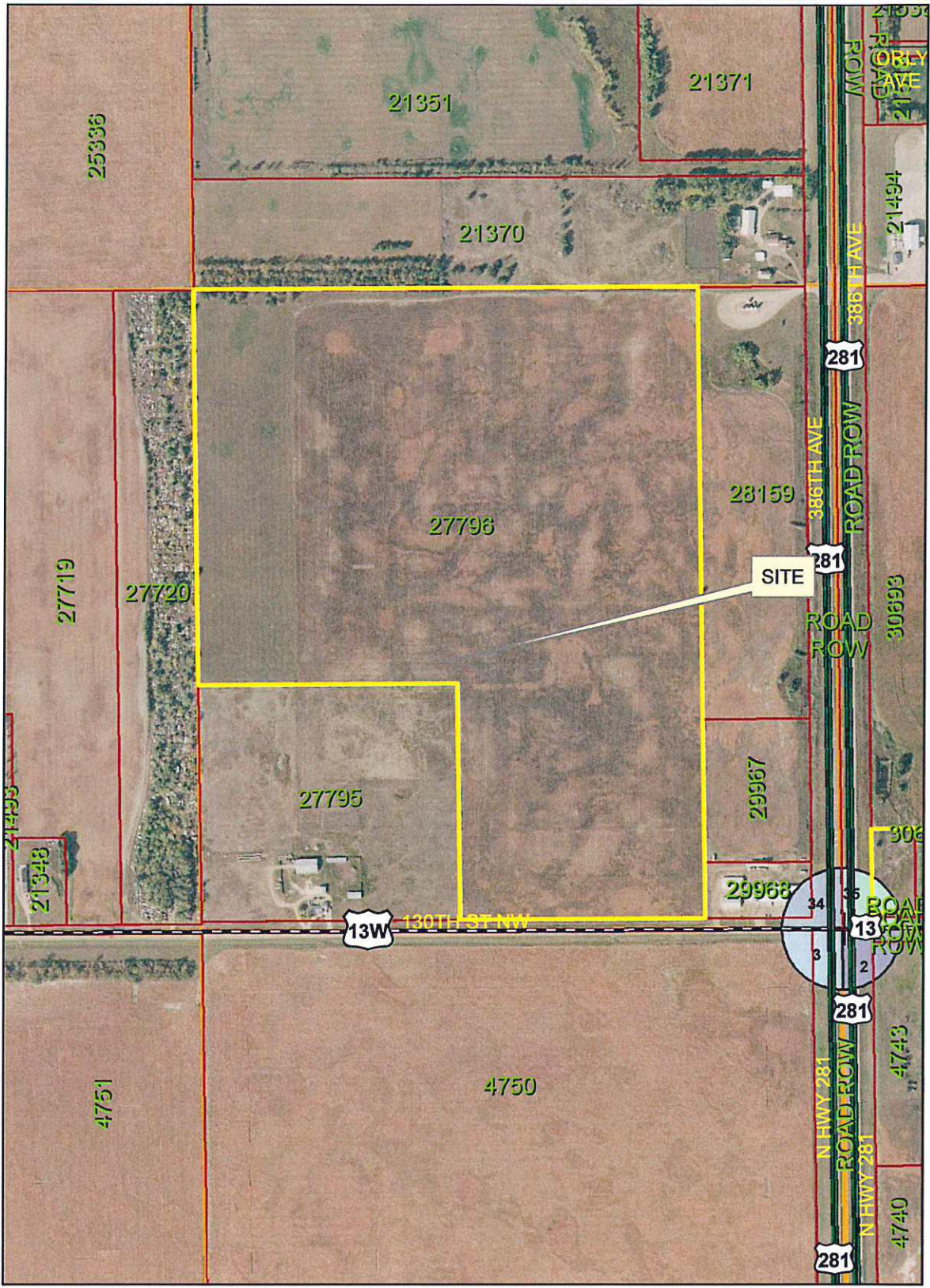
Reason: Variance to approach setback to be 430' rather than the required 500' per Chapter 4.0608 in an Agricultural Preservation District (AG-P).

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

Dated this 3^d day of June 2020

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

Published once at the total approximate cost of _____.



STAFF REPORT
June 16, 2020

VARIANCE FOR BUILDING SETBACKS IN M-AG

ITEM # 08

GENERAL INFORMATION

PETITIONER	JDH Construction/Aberdeen Area Humane Society
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	“Janusz Outlot 1” in the SW1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2511 S. 385th Ave.
EXISTING ZONING	Mini-Ag District (M-AG)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for an 75' setback from the west property line rather than the 100' required in a Mini-Ag District (M-AG).

REVIEW: Staff has reviewed this request and recommends approval.

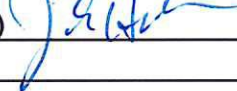
BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 28, 2020
RECEIPT # 327019
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 6/31/2020

OWNERS SIGNATURE: Aberdeen Area Humane Society
OWNERS ADDRESS: 2511 S. 385th Ave.
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-226-1200

AGENTS SIGNATURE: JDH Construction (Jack Hollinsworth) 
AGENTS ADDRESS: 3011 8th Ave NE, #201
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-725-0050

REQUEST: Variance to Setbacks in a M-AG District to be 75' from the west property line rather than the 100' required.

LEGAL DESCRIPTION: "Janusz Outlot 1" in the SW1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00pm

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

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 June 16, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Mini-Ag District (M-AG).

Petitioner / Owner: Aberdeen Area Humane Society

Description of property: "Janusz Outlot 1" in the SW1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2511 S. 385th Ave.).

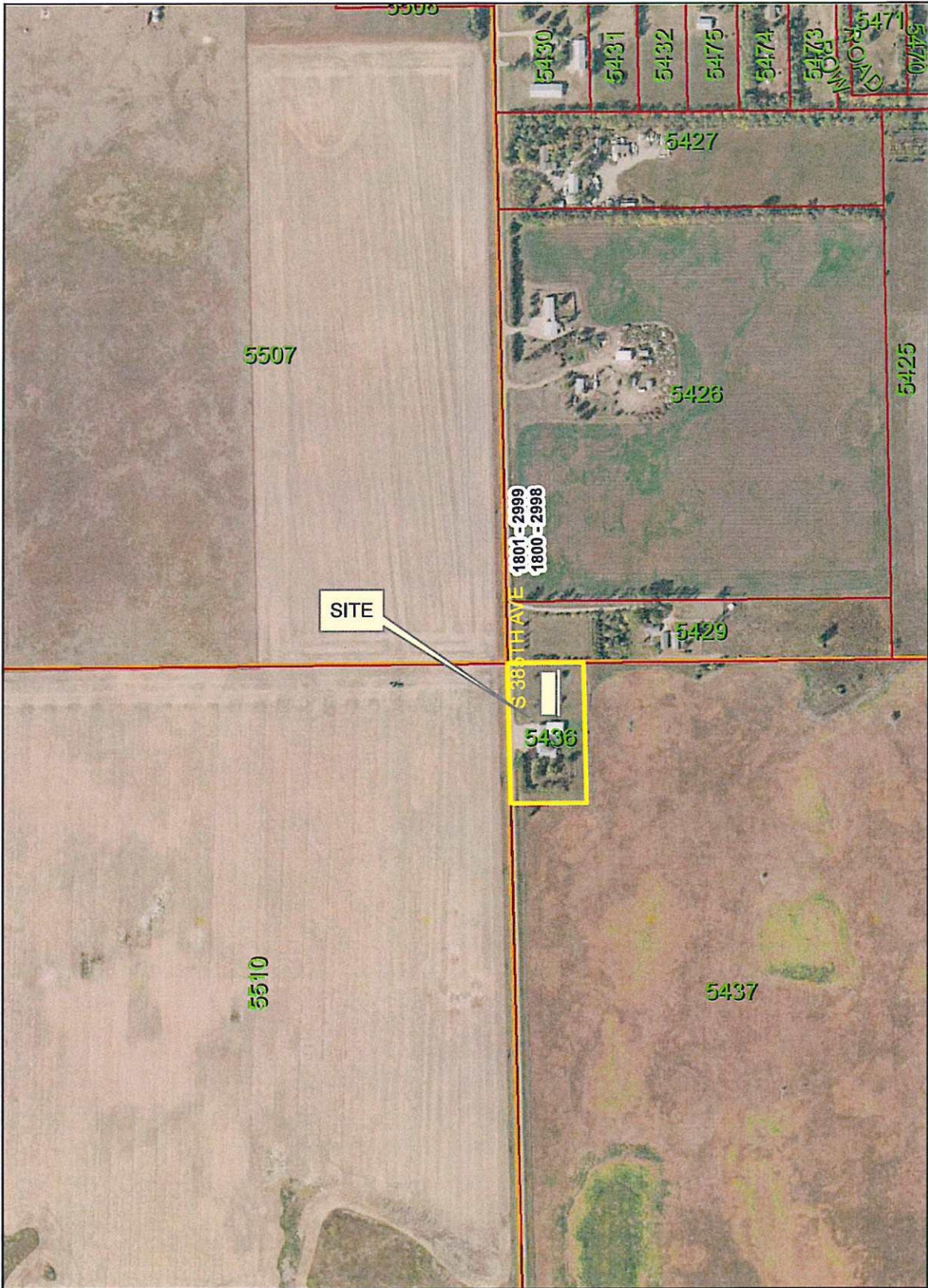
Reason: Petitioner would like a Variance to Setbacks in a Mini-Ag District (M-AG) to be 75' from the west property line instead of the 100' required for a proposed new building.

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

Dated this 3rd day of June 2020

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

Published once at the total approximate cost of _____.





STAFF REPORT
June 16, 2020

Spec Exc/Conditional Use for Storage

ITEM # 09

GENERAL INFORMATION

PETITIONER Matt Vogel/Bill Meidinger

REQUEST **Special Exception/Conditional Use** for Temporary fireworks stand in a Highway Commercial District (HC).

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

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 Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a temporary fireworks stand in a Highway Commercial District (HC) for the 2020 season.

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 06/02/2020
RECEIPT # 327022
TOWNSHIP: Aberdeen Twp

FEES: \$200.00
PAID: (YES/NO) (CHK/CASH)
DATE: 6-3-20

OWNERS SIGNATURE: Bill Meidinger
OWNERS ADDRESS: PO Box 1912
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57402-1912
OWNERS PHONE: _____

AGENTS SIGNATURE: Matt Vogel
AGENTS ADDRESS: PO Box 269
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57402-0269
AGENTS PHONE: 605-216-8343

REQUEST: Temporary Fireworks stand in a Highway Commercial District (HC) for the
2020 season

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

SIGNATURE:  _____

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

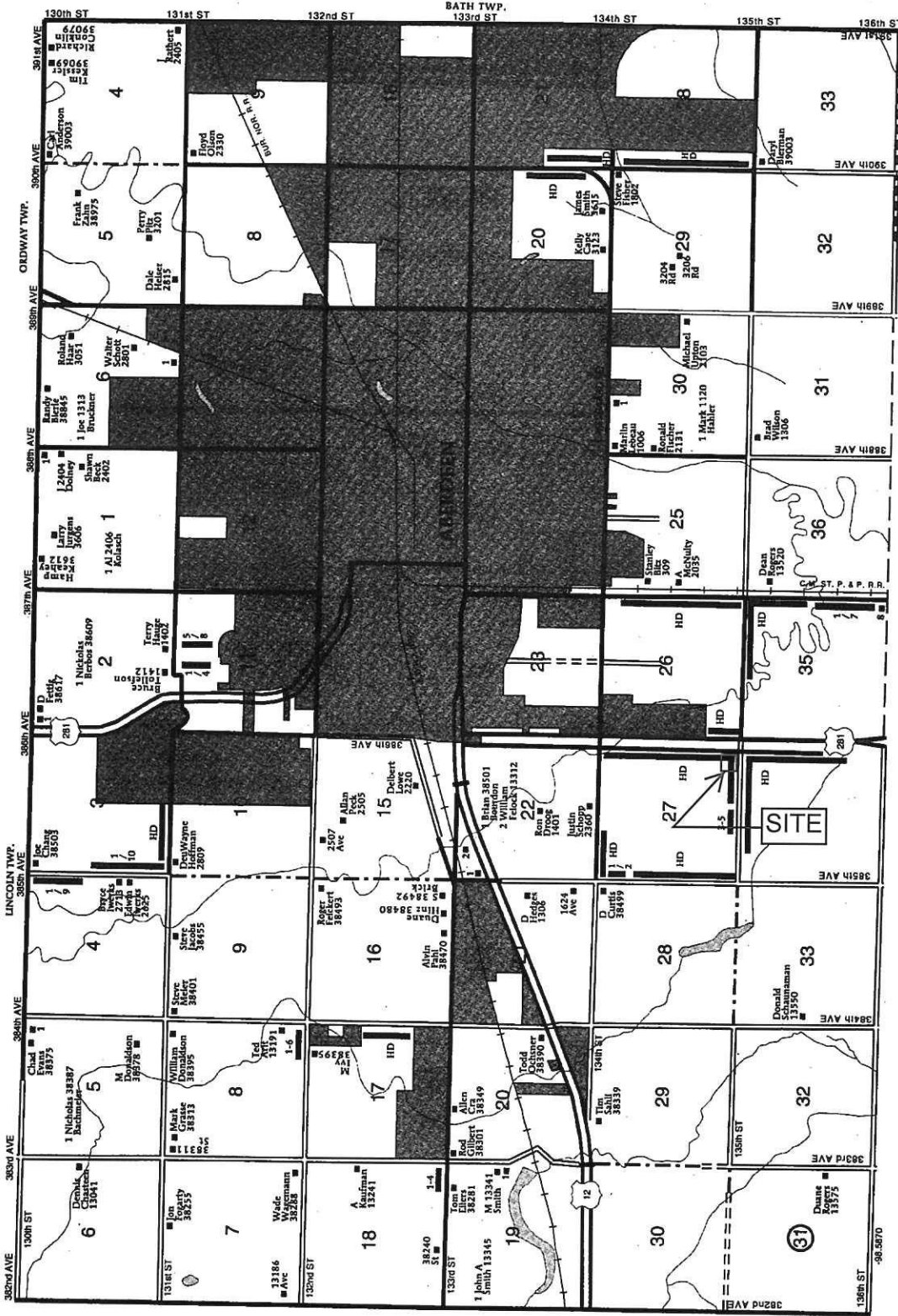
HEARING DATE: June 16, 2020 TIME: 7:00pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)



- WAJNER 'N' TWP.
- 6 Hilgemann, Bryon 2328
 - 7 Mauritzson, John 2324
 - 8 Voizke, Dennis 2322
 - SECTION 18
 - 1 Eichinger, John 38280
 - 2 Dahme, Art 38282
 - 3 Wherry, Lavar 38290
 - 4 Dreis, K 38296
- SECTION 27
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Aberle, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Robison, Randall 13575
 - 6 Rahm, Marlon 13579
 - 7 Schroh, Joseph 13593
 - 8 Fredrickson, Dale 38692
- SECTION 29
- 1 3204 Rd #29
 - 2 3206 Rd
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NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Special Exception/Conditional Use Petition. A hearing will be held in the basement of the Courthouse Annex, in the Community Meeting Room on June 16, 2020 at 7:00 pm for the purpose of a Temporary Fireworks Stand in a Highway Commercial District (HC).

Petitioner & owner: *Matt Vogel/Bill Meidinger*

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

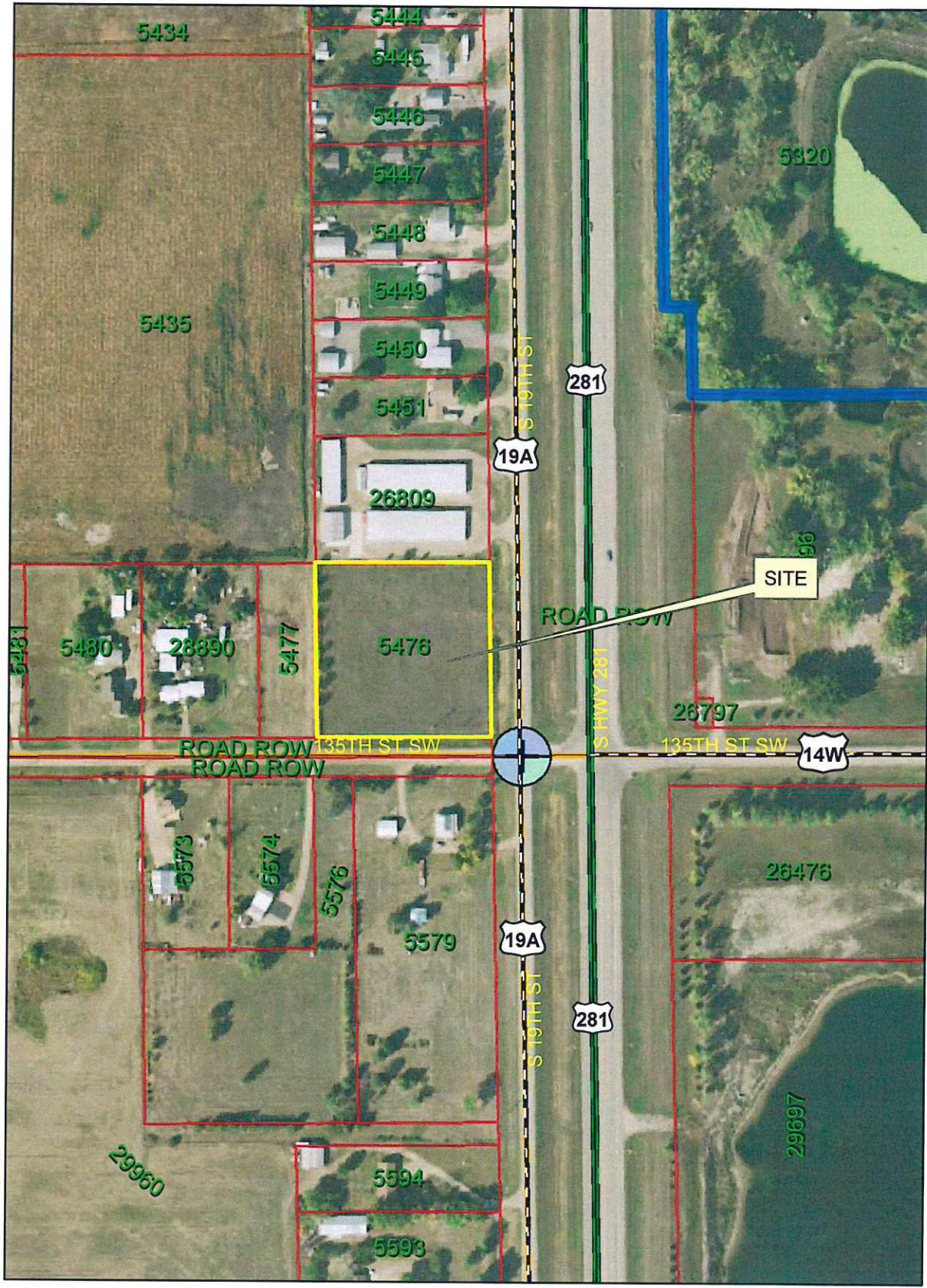
Reason: Temporary Fireworks Stand within zoning jurisdiction of Brown County for the 2020 season.

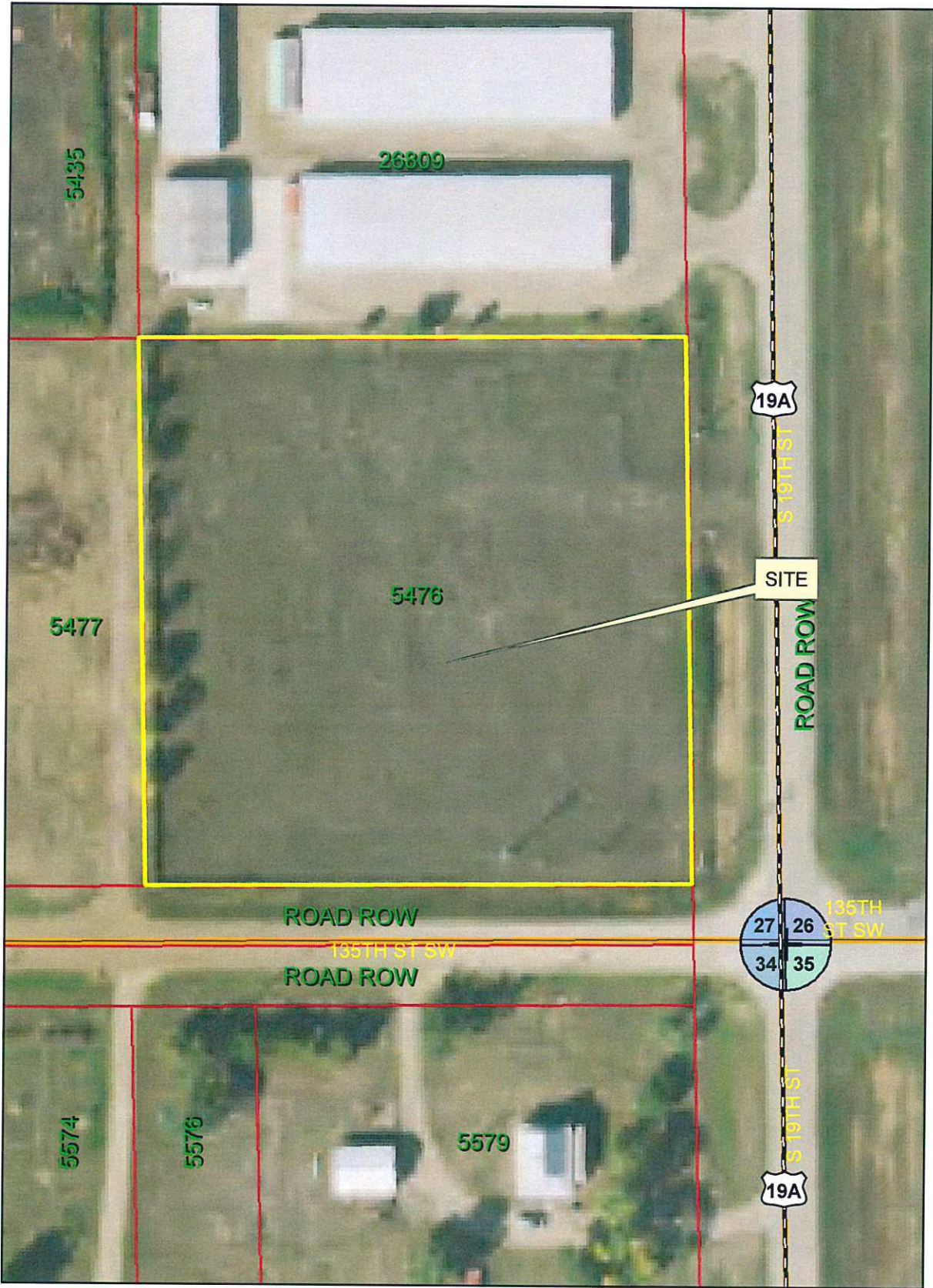
The public is invited to attend the hearing and to present comments and testimony regarding the proposed Special Exception/Conditional Use petition.

Dated this 5th day of June, 2020

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

Published once at the total approximate cost of _____.





5435

26809

5477

5476

5574

5576

5579

19A

S 19TH ST

SITE

ROAD ROW

ROAD ROW

135TH ST SW

ROAD ROW

27 26
34 35

135TH ST SW

S 19TH ST

19A

2020

Proposed

Ordinance

Changes

CHAPTER 4.06 AGRICULTURE PRESERVATION DISTRICT (AG-P)

- 4.0601 Statement of Intent. The intent of the Agriculture Preservation District is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment shall be continued; to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.
- 4.0602 Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the Agriculture Preservation District:
1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, and poultry husbandry yet excluding commercial feedlots for a permitted use; On parcels of land of ????? (??) acres or less, a maximum of one (1) animal unit per 1 acre will be allowed. Refer to chart in 4.3202 CAFO definitions of Animal Unit (AU) for larger parcels of land.
 2. A family farm unit including mobile homes and their normal accessory buildings; Any application for a new residence that will be constructed or placed in rural areas of Brown County after October 01, 2020 must sign and record a "right to farm" agriculture easement with said property in the Register of Deeds office as a Miscellaneous Record (MR). This would allow agricultural operations to continue as normal to perform without complaint of dust, dirt, smell, noise or lights generated by Best Management Practices and any approved Conditional Use/Special Exceptions in this District;
 3. Special Permitted Uses: not available.
 4. Railroad track right-of-way, turn-a-rounds, side rails, off-rails, links, loop tracks.
- 4.0603 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the Agriculture Preservation District:
1. Roadside produce stands in conjunction with a bona fide farm operation on the premises; and
 2. Artificial lake(s) of three acres or less.
 3. Grain Bins, scales, dryers, conveyor legs, pole buildings, steel buildings, garages, calf shelters, other similar structures.
- 4.0604 Special Exceptions/Conditional Uses. After notice and appropriate safeguards, the Board of Adjustment may permit the following as special exceptions/conditional uses in the Agricultural Preservation District (AG-P):
1. Home occupation; Hunting Lodges; Bed and Breakfast establishments.
 2. Fairgrounds, racetracks, and amusement parks;
 3. Utility substations; Communication Towers and Facilities; Wind Energy Conservation Systems;
 4. Airports/Heliport;
 5. Golf courses, country clubs and golf driving ranges;
 6. Amphitheaters, stadiums, drive-in movies, arenas, and field houses;
 7. Go-cart tracts, riding stables, playfields, athletic fields, bowling, swimming pools, and automobile parking;
 8. Public parks, public recreational areas, churches, and schools;
 9. Commercial feedlots;
 10. Operation and maintenance terminal for trucks and other equipment;
 11. Sand, gravel, or quarry operation, yet not including mineral extraction as defined in Chapter 4.01, 4.0102.

12. Sanitary landfill sites in accordance with South Dakota Environmental Protection Agency regulations;
13. Cemeteries;
14. Kennels and veterinary operations;
15. Farm related bulk commodities;
16. Farm related agriculture business or agriculture processing;
17. Wildlife propagation and game management;
18. High voltage lines of 343 KV or greater;
19. Mineral exploration, provided the following conditions are met:
 1. The applicant shall provide:
 - a. A description of the mineral or minerals which are the subject of the exploration;
 - b. Maps showing the general area within which the exploration operation will be conducted; and
 - c. A detailed description of the County's environmental conditions, to include surface, land use, and vegetation as well as a detailed description of the area's geologic formations and hydrology from the best available scientific resources.
 2. The applicant shall provide:

Maps indicating the location of the drill sites to the nearest quarter section of land, a technical description of the exploration process, the types of equipment to be used, and the estimated timetable for each phase of work and for final completion of the program.
 3. The applicant shall provide:
 - a. A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the proposed exploration; and
 - b. A description of the proposed plan to address the identified environmental impacts to include all measures to be taken to prevent soil erosion, water contamination, air contamination, disruption of the area's ecological balance, and any other related hazard to public health and safety.
 4. The applicant shall provide for reclamation of the land to its original condition after exploration is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources, and the proposed future use of the lands explored and adjacent lands. The reclamation shall include:
 - a. A reclamation schedule;
 - b. Methods of plugging drill holes;
 - c. Methods of severing and returning topsoil and subsoil;
 - d. Methods of grading, backfilling, and contouring of exploration sites and access roads;
 - e. Methods of waste management and disposal, including liquid and solid wastes; and
 - f. Method of revegetation.

The applicant shall identify specific phases when monitoring; and inspection of the exploration activities shall be conducted by County, State, Federal, or independent personnel to assure compliance with all applicable rules and regulations. If the conditional use permit is granted, the permit shall identify such inspection agency; and it shall be the responsibility of the applicant to notify said agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the Commissioners.

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

20. Concentrated Animal Feeding Operations - refer to Chapter 4.32 for standards. Any new Class A, B, C, D operation must maintain a minimum size of 10+ acres. This shall be approved by Variance (4.2403) to Lot Size request in AG-P District after Ordinance final adoption date.

21. Greenhouses, nurseries and tree farms provided there is no retail sale of products conducted on the premises.

22. Shooting/Hunting Preserve.

4.0605 Minimum Lot Requirements. The minimum lot frontage width shall be two hundred (200) feet. The minimum area for any plot, piece, or area of land of contiguous assemblage as established by survey, plot, or deed shall contain an area of not less than forty (40) acres. Any parcel of land that cannot be described because of terrain, creeks, rivers or a remnant piece during platting a different portion, shall be platted. Any parcel of land being described that is smaller than 40 acres shall be required to be platted regardless of obstructions and before a deed can be written or filed.

The Planning Zoning Commission / Zoning Board of Adjustment (BOA) may reduce the required land area following the procedures of a Variance (4.2403) to Lot Size, providing that:

1. The use of the land is for agricultural purposes and that the construction of buildings is confined to the shelter of grain, livestock or agricultural equipment.

The minimum area for any residence(s) shall consist of a piece, plot, or deed, occupied or to be occupied by (a) residential dwelling(s) shall contain an area of not less than forty (40) acres unless:

2. If to be occupied by other members of the farm unit (see Definitions), the Planning Zoning Commission / Zoning Board of Adjustment (BOA) may reduce the required area following the procedures of a Variance (4.2403). Minimum Lot Size:
 - a. The minimum lot frontage width shall be two hundred (200) feet.
 - b. The minimum lot area not including right-of-way shall be 2-1/2 acres (without central sewer or public water) or: 1 acre (with a central sewer system or a public water system) or.
3. When a residence is to be sited on an abandoned or existing building farm site (see Definitions), the Planning Commission may reduce the required area following the procedures of a Variance (4.2403) and platting a new parcel using the minimum lot size requirements in item 4.0605 #2 above.

4.0606 Minimum Setback Requirements. All structures shall be set back not less than one hundred (100) feet from all improved public roads measured from road right-of-way. The minimum side yard and rear yard setback shall each be twenty (20) feet.

4.0607 Minimum Shelterbelt Setback.

- a. Shelterbelts consisting of one or more rows of trees when parallel to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred fifty (150) feet from the right-of-way section line. Variance (4.2403) applications for minimum

setback distances shall be submitted to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments.

b. Field belts consisting of one or more rows perpendicular to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred (150) feet from the right-of-way section line. Variance (4.2403) requests to minimum setback distances shall be submitted to Zoning Commission / Zoning Board of Adjustments (BOA).

c. Shelterbelts and field belts along Township roads and statutory right-of-way section lines will also be required to meet the above setback distance requirements. If variances to setback distances are requested, the applicant shall work with the Township Supervisors for "best placement" requirements. The Township shall take into consideration, the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas and areas that might be having improvements from development. Townships may refer any variance request for minimum setback distances of shelterbelts and field belts to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).

d. Replacement trees for existing damaged, diseased or dead trees in existing shelterbelts and field belts are exempt from minimum shelterbelt requirements as long as its nonconformance of current ordinance is not increased. This is intended for the replacement of individual trees in existing shelterbelts.

e. Shelterbelts or field belts that are bulldozed over or removed will be treated as new tree belts and are required to meet current regulations unless a variance (4.2403) procedure is approved.

4.0608 Approaches.

1. Along all Federal Highways and State Highways, approach applications shall be submitted to the SD DOT. The SD DOT typically requires a one thousand (1000) foot separation for approaches.

2. Along all Brown County Highways (jurisdiction of Br Co Highway Department), applications for new approaches and alterations to existing approaches shall be submitted to Zoning Commission / Zoning Board of Adjustments (BOA). Approaches shall be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations.

3. Along all Township roads and statutory right-of-way section lines, approaches shall also be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations. Any variance request to separation distance for approaches along township roads shall be at the discretion of the Township Supervisor's. Township Supervisors are aware of the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas for a variance determination. Any Townships may refer any variance request for approach separation distances to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).

4.0609 Rezoning of Property.

1. ~~That the portion within the limits of Brown County, heretofore zoned Rural Urban (RU) by Title 4, Chapter 4.11 of the Revised Brown County Ordinances, as amended, to wit: **South 435' of West 500' of the Southwest Quarter (SW 1/4) of Section 2, Township T127N, Range 63W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Agriculture Preservation (AG-P) to be used in accordance with Title 4,~~

~~Chapter 4.06 of the Revised Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on file in the office of said Official, and by reference be made a part of the Revised Brown County Ordinances (effective 1/28/94).~~

- ~~2. That the portion within the limits of Brown County, heretofore zoned Heavy Industrial District (H-I) by Title 4, Chapter 4.16 of the Revised Brown County Ordinances, to-wit: SW ¼ of Sec 23 T123N R65W of the 5th P.M., except railroad right of way and except Lot H-1, Brown County, SD, subject to easements, reservations and restrictions of record, if any (13380 378th Ave) be and the same is hereby changed to Agricultural Preservation (AG-P) to be used in accordance with Title 4, Chapter 4.06 of the Revised Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Map on file in the office of said Official, and by reference be made a part of the Revised Brown County Ordinances (effective 10/30/2012).~~

CHAPTER 4.07 MINI-AG DISTRICT (M-AG)

4.0701 Statement of Intent. The intent of the Mini Ag (M-AG) District is to provide an environment and area conducive to large residential lot/hobby farm endeavors while retaining a quasi-rural character.

4.0702 Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the Mini-Ag District:

1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, and poultry husbandry, excluding commercial feedlots; On parcels of land of ????? (??) acres or less, a maximum of one (1) animal unit per 1 acre will be allowed. Refer to chart in 4.3202 CAFO definitions of Animal Unit (AU) for larger parcels of land.
2. Single-family residence or two-family dwellings (1 - twin home, 1 - two unit townhome, 1 - two unit condo, 1 - two unit apartment) and their normal accessory buildings, excluding mobile homes; Any application for a new residence that will be constructed or placed in rural areas of Brown County after October 01, 2020 must sign and record a "right to farm" agriculture easement with said property in the Register of Deeds office as a Miscellaneous Record (MR) before a permit may be issued for a new residence. This would allow agricultural operations to continue as normal to perform without complaint of dust, dirt, smell, noise or lights generated by Best Management Practices and any approved Conditional Use/Special Exceptions in this District and
3. Special Permitted Uses: not available.
4. Railroad track right-of-way; turn-a-rounds, side rails, off-rails, links, loop tracks.

4.0703 Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the Mini-Ag District:

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

4.0704 Special Exceptions/Conditional Uses. After notice and appropriate safeguards, the Board of Adjustment may permit the following as special exceptions/conditional uses in the Mini-Ag District:

1. Home occupations; Hunting Lodges; Bed and Breakfast establishment;
2. Fairgrounds, racetracks, and amusement parks;
3. Utility substations; Communication Towers and Facilities; Wind Energy Conservation Systems;
4. Airports;
5. Golf courses, country clubs, and golf driving ranges;
6. Amphitheatres, stadiums, drive-in movies, arenas, and field houses;
7. Go-cart tracks, riding stables, playfields, athletic fields, bowling, swimming pools, and automobile parking;
8. Public parks, public recreational areas, churches, and schools;
9. Home business/office
10. Operation and maintenance terminal for trucks and other equipment;

11. Sand, gravel, or quarry operation, yet not including mineral extraction as defined in Chapter 4.01, 4.0102;
12. Sanitary landfill sites in accordance with South Dakota Environmental Protection Agency regulation;
13. Cemeteries;
14. Kennels/Boarding establishments and Veterinary establishments; and
15. Wildlife propagation and game management.
16. Small Business on parcel.

4.0705 Minimum Lot Requirement. The minimum lot frontage width shall be two hundred (200) feet. Any parcel of land that cannot be described because of terrain, creeks, rivers or a remnant piece during platting a different portion, shall be platted. Any parcel of land being described that is smaller than 40 acres shall be required to be platted regardless of obstructions and before a deed can be written or filed.

The minimum lot area shall be:

- without central sewer or water - 2 1/2 acres
- with central sewer or water - 1 acre
- ~~with central water and sewer and part of a subdivision—1/2 acre~~

4.0706 Minimum Setback Requirements. All structures shall be set back not less than one hundred (100) feet along section line roads and not less than forty-five (45) feet along all others, measured from road right-of-ways. The minimum side yard and rear yard setback shall each be twenty-five (25) feet.

4.0707 Minimum Shelterbelt Setback.

- a. Shelterbelts consisting of one or more rows when parallel to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred fifty (150) feet from the right-of-way section line. Variance (4.2403) applications for minimum setback distances shall be submitted to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).
- b. Field belts consisting of one or more rows perpendicular to the right-of-way along all Brown County Highways (jurisdiction of Br Co Highway Department) shall be set back a minimum of one hundred (150) feet from the right-of-way section line. Variance (4.2403) applications for minimum setback distances shall be submitted to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).
- c. Shelterbelts and field belts along Township roads and Statutory right-of-way section lines will also be required to meet the above setback distance requirements. If variances to setback distances are requested, the applicant shall work with the Township Supervisors for “best placement” requirements. The Township shall take into consideration, the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas and areas that might be having improvements from development. Townships may refer any variance request for minimum setback distances of shelterbelts and field belts to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).
- d. Replacement trees for existing damaged, diseased or dead trees in existing shelterbelts and field belts are exempt from minimum shelterbelt requirements as long as its nonconformance of current ordinance is not increased. This is intended for the replacement of individual trees in tree belts.
- e. Shelterbelts or field belts that are bulldozed over or removed will be treated as new tree belts and are required to meet current regulations unless a variance (4.2403) procedure is approved.

- 4.0708 Approaches. ~~Along all county roads, approaches shall be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation calculation.~~
1. ~~Along all Federal Highways and State Highways, approach applications shall be submitted to the SD DOT. The SD DOT typically requires a one thousand (1000) foot separation for approaches.~~
 2. ~~Along all Brown County Highways (jurisdiction of Br Co Highway Department), applications for new approaches and alterations to existing approaches shall be submitted to Zoning Commission / Zoning Board of Adjustments (BOA). Approaches shall be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations.~~
 3. ~~Along all Township roads and Statutory right-of-way section lines, approaches shall also be a minimum of five hundred (500) feet apart. Each side of the road shall be included in separation distance calculations. Any variance request to separation distance for approaches along township roads shall be at the discretion of the Township Supervisor's. Township Supervisors are aware of the bus routes, mail routes, winter maintenance schedules and low/no maintenance areas for a variance determination. Townships may refer any variance request for approach separation distances to the Zoning Department for the next scheduled monthly meeting of the Zoning Board of Adjustments (BOA).~~
- 4.0709 Service Roads. Service roads may be required at the discretion of the ~~Planning Commission~~ Planning / Zoning Commission / Zoning Board of Adjustments (BOA).
- ~~4.0710 Rezoning of Property.~~

1. ~~That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Second Revision Brown County Ordinances, as amended, to wit: **Whitetail Meadows 1st Subdivision in NW ¼ Sec 26-T123N-R65W of 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 8/16/2005).~~
2. ~~That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Second Revision Brown County Ordinances, as amended, to wit: **Lots 1A, 2A, 3A and 4A Bledsoe Second Subdivision in the SW ¼ of Sec 14 T124N R64W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 1/17/2006).~~
3. ~~That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.06 of the Second Revision Brown County Ordinances, as amended, to wit: **Lots 1-8 Fischbach First Subdivision in the SE ¼ of Sec 23-122N-R64W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as~~

~~amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/13/2006).~~

- ~~4. That the portion within the limits of Brown County, heretofore zoned Rural Urban District (RU) by Title 4, Chapter 4.11 of the Second Revision Brown County Ordinances, as amended, to wit: **Lots 2-5 of Block A First Addition to Stratford in the SW ¼ of Sec 4-121N-R62W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 6/25/2007).~~
- ~~5. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, as amended, to wit: **Legacy Development in the NE ¼ of Sec 1-123N-R65W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 2/19/2008).~~
- ~~6. That the portion within the limits of Brown County, heretofore zoned Agricultural Preservation District (AG-P) by Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, as amended, to wit: **Plat of Fischer Richmond Lake Estates in the NE ¼ of Sec 23-124N-R65W of the 5th P.M., Brown County, South Dakota** be and the same is hereby changed to Mini-Ag District (M-Ag) to be used in accordance with Title 4, Chapter 4.07 of the Second Revision Brown County Ordinances, of the County of Brown, South Dakota, as amended, and the Zoning Official is hereby directed to designate the above change on the Zoning Map on filed in the office of said Official, and by reference be made a part of the Second Revision Brown County Ordinances (effective 2/19/2008).~~

CHAPTER 4.32 CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

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

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

4.3202 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Significant Contributor of Pollution. To determine if a Concentrated Animal Feeding Operation meets this definition, the following factors are considered:

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

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

Zone A. Special Flood Hazard Areas without a detailed study subject to inundation by the 100-year flood.

Zone AE. Special Flood Hazard Areas with a detailed study subject to inundation by the 100-year flood

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

Zone X. These areas have been identified in the community flood insurance study as areas of no hazard from the principal source of flood in the area

4.3203 Classes of Concentrated Animal Feeding Operations. A Concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 180 days or more during any 12-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any on at least a 75% portion of the lot or facility. Two or more animal feeding operations under common ownership are a single animal operation if they adjoin each other, or if they use a common area, or a common system for disposal of manure.

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

ANIMAL UNITS

CLASS A	2,000 or more
CLASS B	1,000 to 1,999
CLASS C	300 to 999
CLASS D	0 to 300 40 to 299 (Potential water poll hazard)
CLASS E	0 to 300 (No pollution hazard)

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

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.
3. A cumulative expansion by 300 500 animal units, after the final adoption date of these ordinance changes December 18, 1997, of for an existing Concentrated Animal Feeding Operation that does not have a permit.
4. If a livestock operation with a DENR construction permit or a Brown County Zoning permit is sold, the new owner is subject to all the terms and conditions of the permit. The DENR and Brown County Zoning Board of Adjustments (BOA) must be notified of the transfer by the current permit holder and the new permit holder within 30 days of the transfer. The new permit holder ~~may need to~~ shall supply the information to modify the permit to reflect the new ownership to the Brown County Zoning Board of Adjustments (BOA) (if the DENR or Brown County Zoning board requests). A person who is a habitual violator or has a pending enforcement action may not purchase a confinement operation with a DENR or Brown County Zoning Board permit.
5. An existing Concentrated Animal Feeding Operation is to be restocked after being idle for ~~five (5) or more years~~ more than two (2) years.
6. A signed complaint has been received by the Brown County Zoning Officer or South Dakota Department of Environment and Natural Resources and after inspection reveals that the Concentrated Animal Feeding Operation is in violation of County or State regulations.

4.3205 Concentrated Animal Feeding Operation Control Requirements.

1. No Significant Contribution of Pollution

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

2. State General Permit

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

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

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

3. Nutrient Management Plan

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

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

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

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

The plan must comply with the County Manure Application Setbacks as shown in 4.3205 #9.

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

4. Manure Management and Operation Plan

Classes A and B Concentrated Animal Feeding Operations shall submit a Manure Management Plan, ~~and an~~ Operation Plan and approval from SD DENR.

A. Plan must include:

- (1) The location and specifics of proposed animal manure facilities.
- (2) The operation procedures and maintenance of manure facilities.
- (3) Plans and specifications must be prepared or approved by a registered professional engineer, or a South Dakota licensed Natural Resource Conservation Service (NRCS) engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the County Zoning Officer.

(4) Animal manure shall not be stored longer than two years.

(5) Manure containment structures shall provide for a minimum design volume of 270 days of storage.

(6) Producers shall keep records of manure applications on individual fields, which document acceptable manure and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields.

~~(7) Manure transportation plan; manure transportation is limited to five miles from the place of origin.~~

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

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

5. Management Plan for Fly and Odor Control

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

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

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

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

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

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

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

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

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

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

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

6. Required Setbacks (defined as radius) and Separation Distance for new Concentrated Animal Feeding Operations and those **expanding** by 300 or More Animal Units after **December 18, 1997** the final adoption date of this ordinance change.

MINIMUMS

	CLASS A	CLASS B	CLASS C	CLASS D & E <u>1320</u>
Established Residences not including owners/operators	3,960 feet*	2,640 feet	2,640 feet	2,640 feet
Churches, Businesses and Commercially Zoned Areas	5,280 feet*	5,280 feet	2,640 feet	2,640 feet
Incorporated Municipality	3 miles	2 miles	5,280 feet	2,640 feet
Public Water Supplies & Private Wells other than the operator	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Lakes and Streams classified as Fisheries as identified by the State	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Housed <u>Feeding</u>	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open Lot <u>Feeding</u>	300 feet	300 feet	200 feet	200 feet
Township Road ROW Housed	150 feet	150 feet	150 feet	150 feet
Township Road ROW Open Lot	150 feet	150 feet	150 feet	150 feet
Designated 100 Year Floodplain	Prohibited	Prohibited	Prohibited	Prohibited

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

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

7. Exemptions from Separation Distance

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

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

8. New Residences

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

The following uses are prohibited in Zone A or Zone AE:

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

The following uses are prohibited in Zone X-shaded:

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

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

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

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

- A. A Concentration of CAFOs in the area exists or would occur which may pose an air or water quality concern.

B. Due to topography and prevailing wind direction, additional setback and separation distance is appropriate to safeguard air or water quality.

C. A Concentrated Animal Feeding Operation is in excess of 5,000 animal units.

9. Manure Application Setbacks

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

COUNTY MANURE APPLICATION SETBACKS

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

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

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

10. Standards for Special Exceptions / Conditional Uses

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

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

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

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

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

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

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

11. Facility Road Maintenance Agreements

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

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

- A. Owner's Name, address and telephone numbers.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements including site plan to scale.
- H. General permits from South Dakota Department of Environment & Natural Resources if available for animal species.

- I. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources.
- J. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- K. Notification of whoever maintains the access road (township, county and state).
- L. Notification of public water supply officials.
- M. Any other information as contained in the application and requested by the County Zoning Officer.
- N. Written notification to landowners or tenants living within the setback area to the proposed facility, and publication of notice in official County newspaper at least once.
- O. A full written plan must be submitted at least four weeks in advance of the public hearing in the county courthouse or other location, available for public inspection.
- P. A copy of the general permit application must be submitted to the County, at the time it is submitted to State Department of Environment and Natural Resources.
- Q. A list of owner's names contracted to do manure land spreading and a legal description of the land must be submitted to the County.

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

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

K. Notification to public water supply officials.

L. Any other information as contained in the application and requested by the County Zoning Officer.

Small Parcels - Animals

	AGRICULTURAL ANIMAL TYPE	ANIMAL UNITS (AU) for CAFO references	1.5 acres (1 AU)	1.5 - 4 acres (2 AU)	4 - 6 acres (3 AU)	6 - 8 acres (4 AU)	8 - 10 acres (5 AU)	10 - 12 acres (6 AU)	12 - 14 acres (7 AU)	14 - 16 acres (8 AU)
1	DAIRY CATTLE									
	Dairy Mature	1.400	1	1	2	3	4	4	5	6
	Dairy Heifer	0.700	1	3	4	6	7	9	10	11
	Dairy Calf	0.300	3	6	10	13	17	20	23	27
2	BEEF CATTLE									
	Beef Slaughter	1.000	1	2	3	4	5	6	7	8
	Beef Feeder	0.700	1	3	4	6	7	9	10	11
	Beef Cow/Calf	1.300	1	2	2	3	4	5	5	6
	Beef Calf	0.300	3	6	9	12	15	18	21	24
3	HORSES									
	All Horses & Mules	1.200	1	2	4	5	6	7	8	10
4	SWINE									
	Swine (>300 lb)	0.400	2	4	6	8	10	12	14	16
	Swine (55-300 lb)	0.300	3	6	9	12	15	18	21	24
	Swine (<55 lb)	0.100	10	20	30	40	50	60	70	80
5	SHEEP & GOAT									
	Domestic Sheep	0.100	10	20	30	40	50	60	70	80
	Spanish Goat	0.160	6	12	12	12	18	18	18	18
	Angora Goat	0.120	4	8	8	8	12	12	12	12
6	CHICKEN									
	Laying Hen	0.033	30	60	90	100	100	100	100	100
	Broiler	0.033	30	60	90	100	100	100	100	100
	Chicken >5 lb	0.005	30	60	90	100	100	100	100	100
	Chicken <5 lb	0.003	30	60	90	100	100	100	100	100
7	TURKEY									
	Turkey >5 lb	0.018	30	30	90	100	100	100	100	100
	Turkey <5 lb	0.005	30	30	90	100	100	100	100	100
8	DUCKS & GEESE	0.010	30	30	90	100	100	100	100	100
9	WILDLIFE									
	White-tail Deer	0.130	4	8	8	8	8	8	8	8
	Mule Deer	0.180	4	8	8	8	8	8	8	8
	Pronghorn Antelope	0.140	4	8	8	8	8	8	8	8
	Elk	0.920	1	2	3	4	5	6	7	8
10	Animals shall not be part of a commercial operation or production when rural residential lots smaller than 40 acres*									
	Lots that are rural residential use, smaller than 40 acres but are non-compliant, they must be brought into compliance by rezone									
	Land must be platted as one lot and not totaling more than one contiguous lot when part of Table 4.07 for acreages & animal units									
	*If there is an existing lot smaller than 40 acres, still zoned Agricultural Preservation District (AG-P), owner has paperwork for parcel that had a variance to lot size approved per requirements in 4.0605, it does not need to be rezoned to M-AG for existing lot.									
a	Must have a minimum of 1.50 acres to qualify for the first 1 AU (allows for residence, out buildings, septic drainfield & tree rows)									
b	Allow 2 AU maximum for 1.50 ac to 4.0 ac; (calculated as net platted parcel acres & includes no right-of-way acres)									
c	Allow 3 AU for 4.0 ac to 6.0 ac; 4 AU for 6.0 ac to 8.0 ac; 5 AU for 8.0 ac to 10.0 ac; 6 AU for 10.0 ac to 12.0 ac									
d	Allow 7 AU for 12.0 ac to 14.0 ac; 8 AU for 14.0 ac to 16.0 ac; 9 AU for 16.0 ac to 18.0 ac; 10 AU for 18.0 ac to 20.0 ac									
e	Allow 11 AU for 20.0 ac to 22.0 ac; Allow 12 AU for 22.0 ac to 24.0 ac; Allow 13 AU for 24.0 ac to 26 ac									
f	Allow 14 AU for 26.0 ac to 28.0 ac; Allow 15 AU for 28.0 ac to 30.0 ac;									
g	Allow 20 AU to 29 AU for 30.0 ac to 39 ac (Class E). Anything more would be Class D and need to apply @ Zoning.									

Animal Units (AU) for small parcels

STAFF REPORT

June 16, 2020

REZONE PARCEL from an AG-P District

ITEM # 20

GENERAL INFORMATION

PETITIONER	Gerald Struck
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	Lot 1, "Gerald and Gail Struck Addition" in the NE1/4 of Section 9-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	12501 385 th Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to Brown County Planning/Zoning Commission for a *REZONE PETITION*. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on *June 16, 2020 at 7:00 p.m.* for the purpose of Rezoning from *Agricultural Preservation District (AG-P) to Mini Agriculture District (M-AG)*.

Owner & Petitioner: Gerald Struck

Description of property: Lot 1 "Gerald and Gail Struck Addition" in the NE1/4 of Section 9-T124N-R64W of the 5th P.M., Brown County, South Dakota (12501 385th Ave).

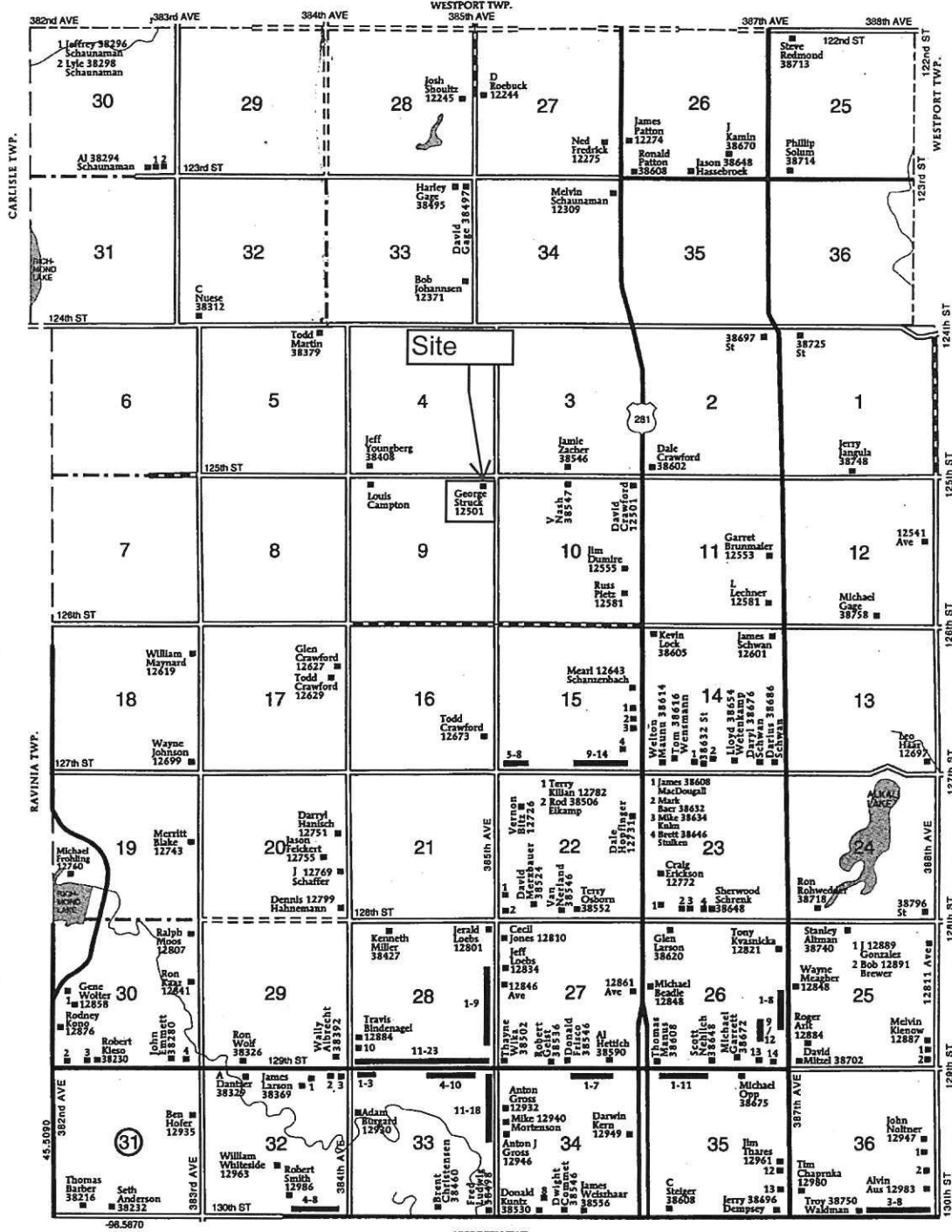
Reason: For conveyance purposes

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

Dated this 3rd day of June 2020

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

Published once at the total approximate cost of _____.



LINCOLN TOWNSHIP

SECTION 14

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

SECTION 15

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

SECTION 26S

- 1 Wetenkamp, Lloyd D 12847
- 2 Hedges, Kendall 12849
- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 12857
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Jerald 12875
- 9 Keller, Mike 12862
- 10 Stein, Craig 12866
- 11 Hedge, Duane 12870
- 12 Call, Ty 12874
- 13 Wahl, Merle 38686
- 14 Punt, Lawayne 38690

SECTION 28S

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

SECTION 30S

- 1 Podoli, M 12852
- 2 Schlagel, Gene 38206
- 3 38228
- 4 Mandel, Lonnie 38294
- 5 Thorstenson, Casey 38370
- 6 Harms, Bruce 38374
- 7 Hartung, Mark 38386
- 8 Keller, Edward 38392
- 9 Waltman, Frank 38405
- 2 Malsam, Ervin 38409
- 3 Krueger, Gerald 38413
- 4 Burt, Roy 38453
- 5 Sutton, Duane 38459
- 6 Aman, Bonnell 38463
- 7 Hagmann, Rick 38469
- 8 Allbie, M 38479

SECTION 32S

- 1 Lehr, Cary 38373
- 2 Otto, Randall 38393
- 3 Gosvener, Ken 12901
- 4 Martinmaas, Roger 38364
- 5 Darwin Kern 12949
- 6 Darwin Kern 12949
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- 36 Darwin Kern 12949

SECTION 34S

- 1 Hartung, John 38549
- 2 Shilman, Larry 38557
- 3 Tarrell, Ron 38559
- 4 Odde, N 38563
- 5 Volzke, Randy 38587
- 6 Malsam, Melvin 38589
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- 8 Ritter, Loren 38534
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- 11 Martel, Don 12903
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- 13 Malsom, Bob 12909
- 14 Falken, Jess 12915
- 15 Skott, Randy 12921
- 16 Kurtz, B 12927
- 17 Gross, Joe 12941
- 18 Schlosser, Rudolph 12945

SECTION 36S

- 1 Dalager, John 12953
- 2 Hinds, Bill 12971
- 3 Waldman, Clarence 38756
- 4 Waldman, Galen 38762
- 5 Pence, Bryan 38766
- 6 Cowan, Richard 38770
- 7 Lonning, Stuart 38782
- 8 Bock, Jeff 38792

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 5/11/20
Receipt: 326987
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

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

Legal Description:

Lot 1 "Gerald and Gail Struck Addition" in the NE1/4 of Section 9-T124N-R64W
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 12501 385th Ave
From the Agricultural Preservation District
To the Mini Agricultural District

Purpose: For conveyance purposes
Size of Parcel: 7.00 acres
Existing Land Use: Residential Use

Petitioner: (Print) Gerald Struck
Signature: *Gerald Struck*
Date: 5/11/20 Phone: _____
Address: 1117 S Aldrich Street
Aberdeen, SD 57401
City State Zip

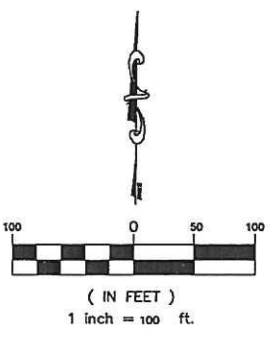
Owner: (Print) _____
Signature: _____
Date: _____ Phone: _____
Address: _____
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF GERALD AND GAIL STRUCK ADDITION IN THE NE1/4 OF SECTION 9-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

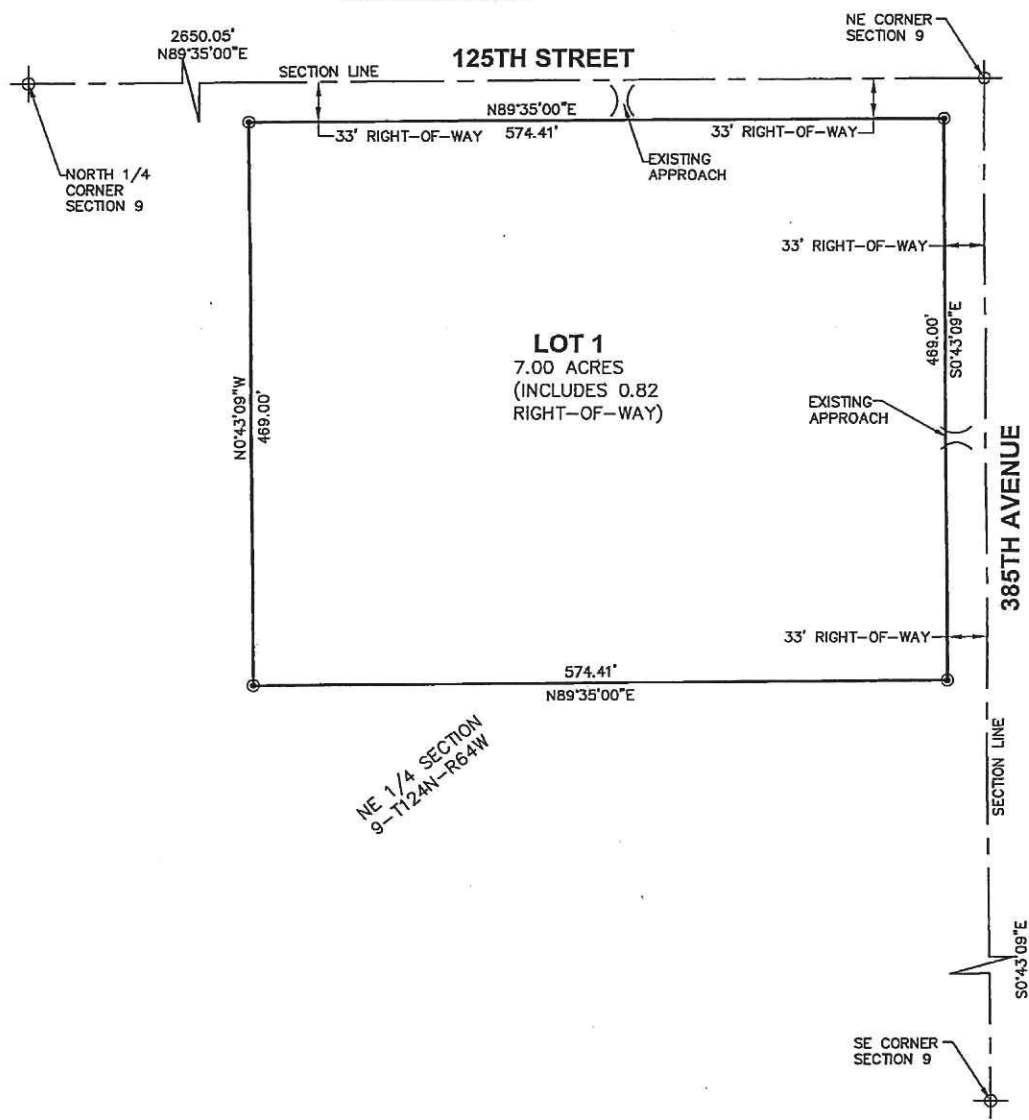
LEGEND

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



BASIS OF BEARINGS

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



NE 1/4 SECTION
9-T124N-R64W

Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

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

PLAT OF
GERALD AND GAIL STRUCK ADDITION
IN THE NE1/4 OF SECTION 9-T124N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF GERALD G. STRUCK AND GAIL P. STRUCK AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 23, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: GERALD AND GAIL STRUCK ADDITION IN THE NE1/4 OF SECTION 9-T124N-R64W 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 29th DAY OF April, 2020


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; GERALD AND GAIL STRUCK ADDITION IN THE NE1/4 OF SECTION 9-T124N-R64W 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 ADDITION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____

PREVIOUSLY DESCRIBED AS:

NE 1/4 OF SECTION 9-T124N-R64W OF THE
5th P.M., BROWN COUNTY, SOUTH DAKOTA

GERALD G. STRUCK

GAIL P. STRUCK

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GERALD G. STRUCK AND GAIL P. STRUCK KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING GERALD AND GAIL STRUCK ADDITION IN THE NE1/4 OF SECTION 9-T124N-R64W 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 GERALD AND GAIL STRUCK ADDITION IN THE NE1/4 OF SECTION 9-T124N-R64W 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
GERALD AND GAIL STRUCK ADDITION
IN THE NE1/4 OF SECTION 9-T124N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

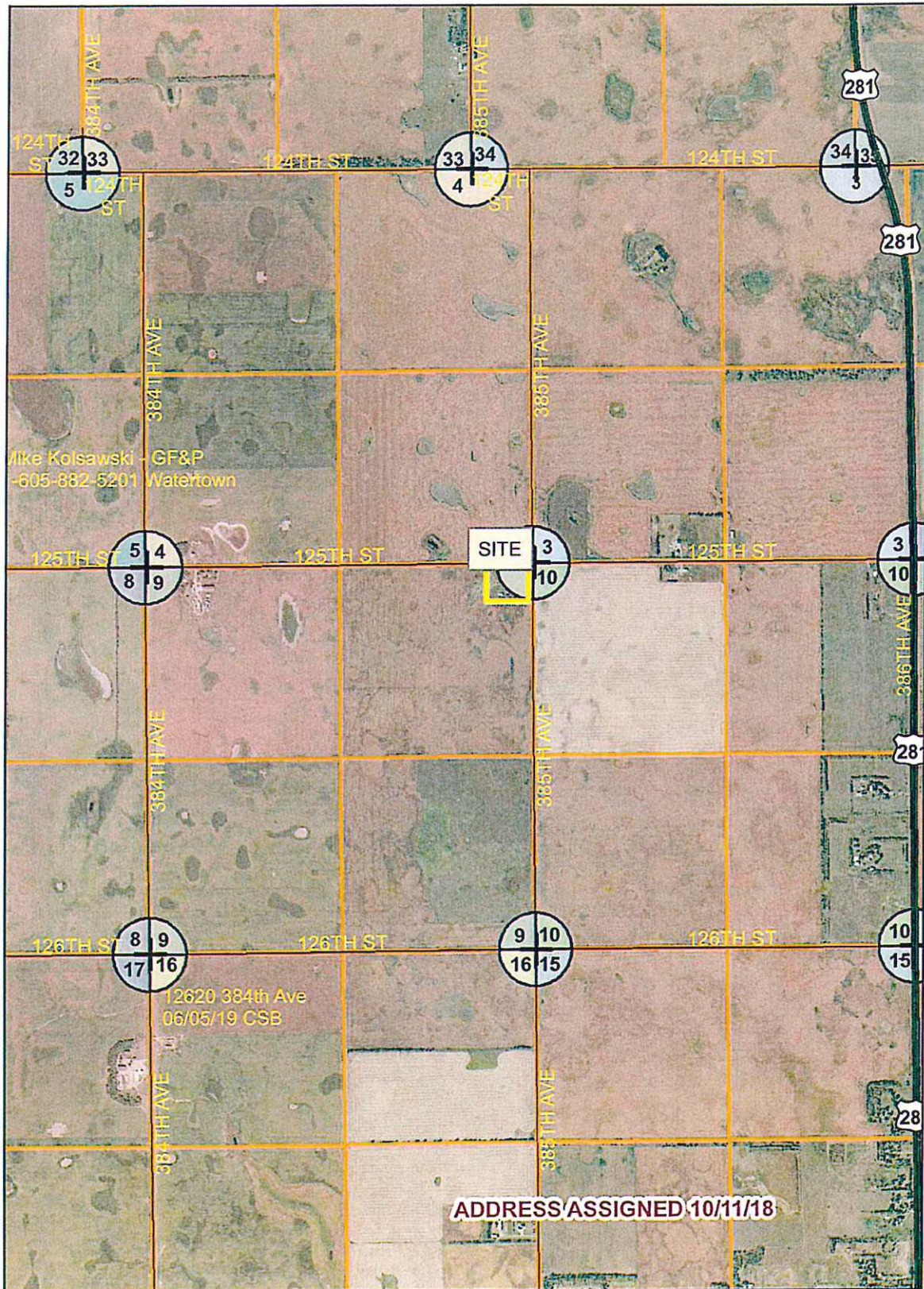
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

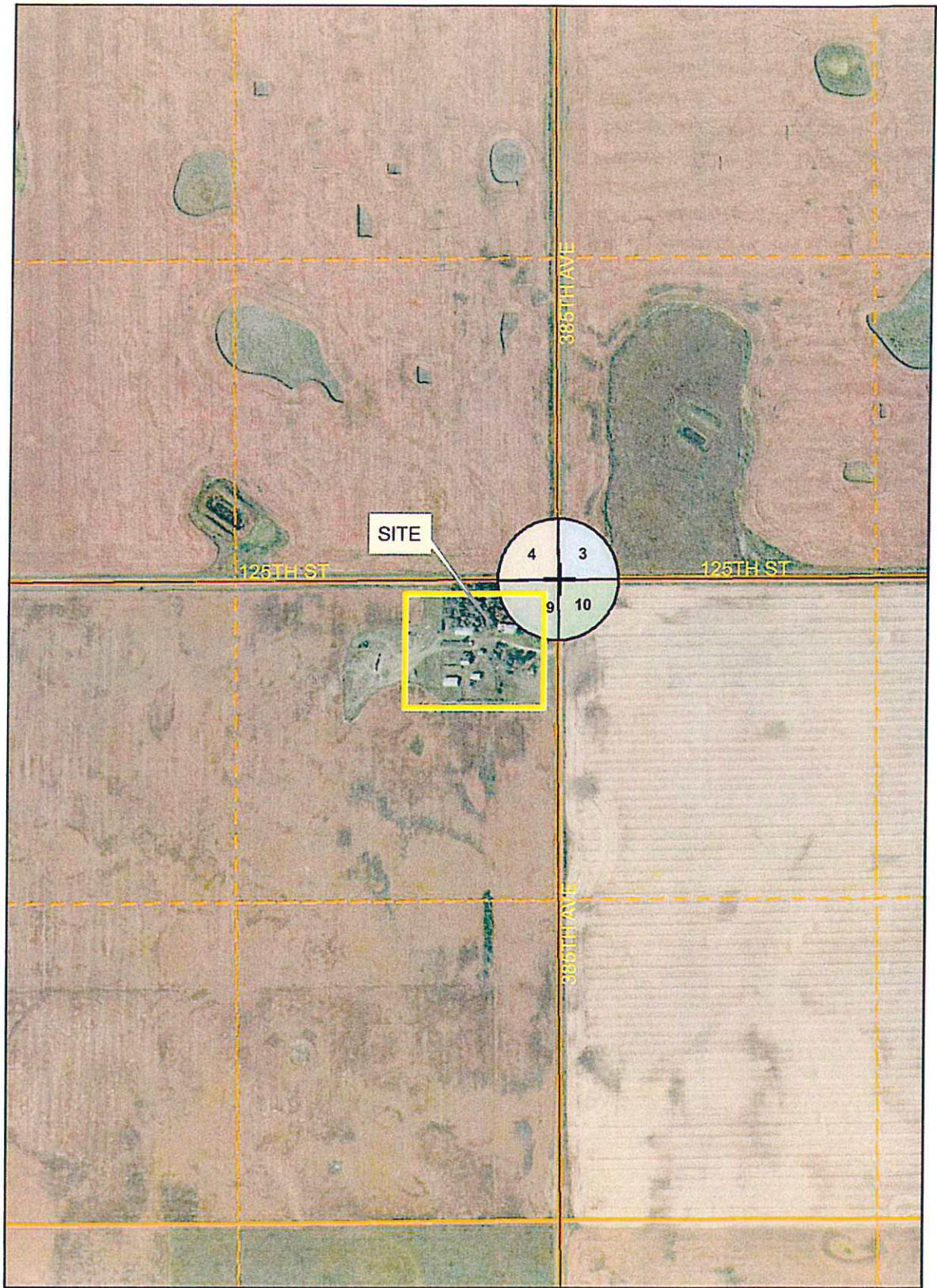
REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



ADDRESS ASSIGNED 10/11/18



STAFF REPORT

June 16, 2020

REZONE PARCEL from an AG-P District

ITEM # 21

GENERAL INFORMATION

PETITIONER	Prairie Hill Farms
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	Lot 1, "Prairie Hill Farms First Subdivision" in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2046 130 th Street NW
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Mini Agriculture District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Highway Commercial District (AG-P)
West:	Mini Agriculture District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to Brown County Planning/Zoning Commission for a *REZONE PETITION*. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on *June 16, 2020 at 7:00 p.m.* for the purpose of Rezoning from *Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG)*

Owner & Petitioner: Prairie Hill Farms

Description of property: Lot 1, Prairie Hill Farms First Subdivision in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 130th Street NW).

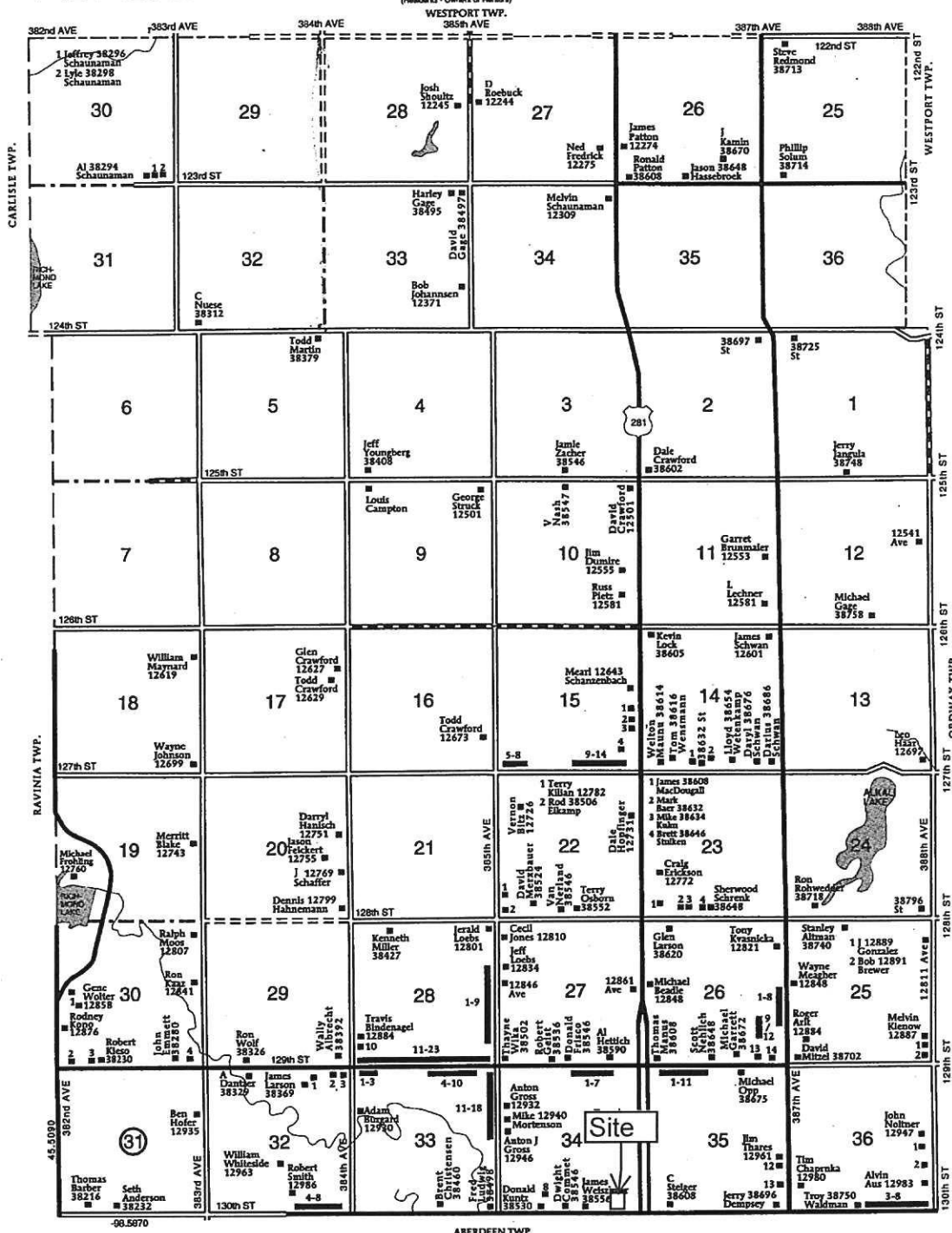
Reason: Rezone from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) for future use.

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 date with the Brown County Auditor.

Dated this 3^d day of June 2020

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

Published once at the total approximate cost of _____.



LINCOLN TOWNSHIP

SECTION 14

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

SECTION 15

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

SECTION 26S

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

SECTION 30S

- 1 Podoli, M 12852
- 2 Schlagel, Gene 38206

ABERDEEN TWP.

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

SECTION 34S

- 1 Hartung, John 38549
 - 2 Shilman, Larry 38557
 - 3 Tarrell, Ron 38559
 - 4 Odde, N 38563
 - 5 Volzke, Randy 38587
 - 6 Malsam, Melvin 38589
 - 7 Igo, Loren 38591
 - 8 Ritter, Loren 38534
- SECTION 35S
- 1 Fordham, Donald 38621

SECTION 36S

- 1 Dalager, John 12953
- 2 Hinds, Bill 12971
- 3 Waldman, Clarence 38756
- 4 Waldman, Galen 38762
- 5 Pence, Bryan 38766
- 6 Cowan, Richard 38770
- 7 Lonning, Stuart 38782
- 8 Bock, Jeff 38792

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 6-2-20
Receipt: 327017
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:

Prairie Hill Farms First Subdivision in the SE1/4 of Section 34-T124N-R64W of the 5th P.M.,
Brown County, South Dakota

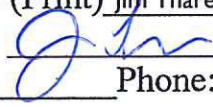
General Area Location or Street Address: 2046 130th Street NW

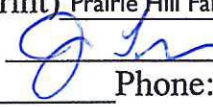
From the Agriculture Perservation **District**
To the Mini Agriculture **District**

Purpose: For Future Use

Size of Parcel: 17.83 acres

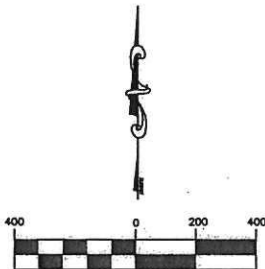
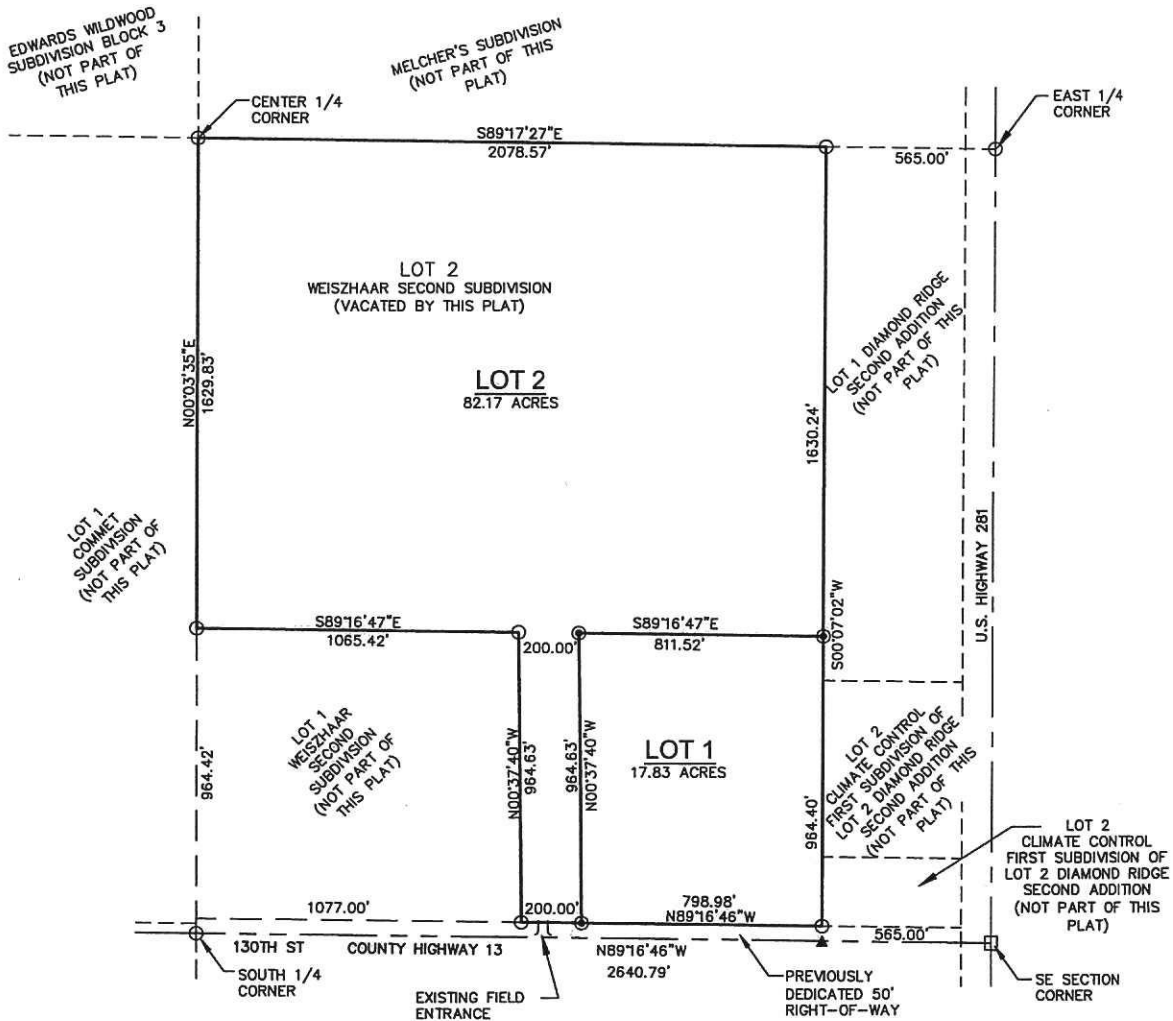
Existing Land Use: Agricultural

Petitioner: (Print) Jim Thares
Signature: 
Date: _____ **Phone:** 605-216-6002
Address: PO Box 1359
Aberdeen, SD 57401
City State Zip

Owner: (Print) Prairie Hill Farms
Signature: 
Date: _____ **Phone:** 605-216-6002
Address: PO Box 1359
Aberdeen, SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF
PRAIRIE HILL FARMS FIRST SUBDIVISION
IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA



Robert K. Kieso
 REGISTERED LAND SURVEYOR
 REG. NO. 9214
 ROBERT K. KIESO
 SOUTH DAKOTA
 May 6, 2020

LEGEND

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

BASIS OF BEARINGS
GPS OBSERVATION

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

PLAT OF
PRAIRIE HILL FARMS FIRST SUBDIVISION
IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF PRAIRIE HILL FARMS, L.L.C., AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 23, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W 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 6th DAY OF May, 2020


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W 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 7th DAY OF May, 2020

PREVIOUSLY DESCRIBE AS:
LOT 2 WEISZHAAR SECOND SUBDIVISION IN THE SE 1/4
OF SECTION 34-T124N-R64W OF THE 5TH P.M. BROWN
COUNTY, SOUTH DAKOTA

PRAIRIE HILL FARMS, L.L.C.


JIM THARES (MEMBER) PRAIRIE HILL FARMS, L.L.C.

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 WEISZHAAR SECOND SUBDIVISION, AS RECORDED AS PLAT NO. 2964, ON FEBRUARY 27, 2013 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 7th DAY OF May, 2020

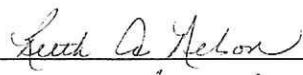
PRAIRIE HILL FARMS, L.L.C.


JIM THARES (MEMBER) PRAIRIE HILL FARMS, L.L.C.

CORPORATE ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown
ON THIS THE 7th DAY OF May, 2020 BEFORE ME, Ruth A Nelson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JIM THARES OF PRAIRIE HILL FARMS, L.L.C., AND THAT HE, AS SUCH AS A MEMBER, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE L.L.C. BY HIMSELF AS A MEMBER IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.




NOTARY PUBLIC, South Dakota STATE
MY COMMISSION EXPIRES: 1/25/26

PLAT OF
PRAIRIE HILL FARMS FIRST SUBDIVISION
IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

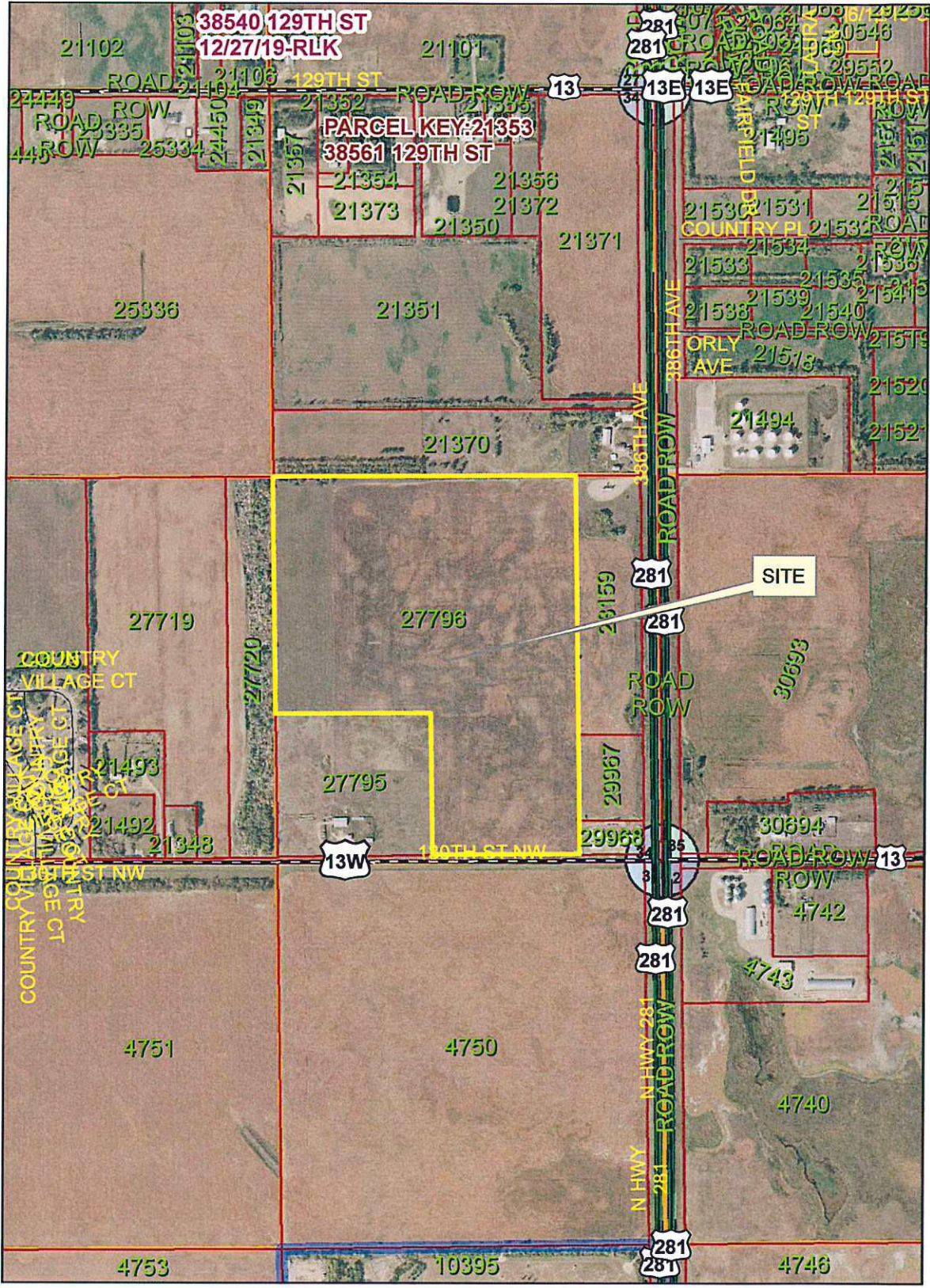
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

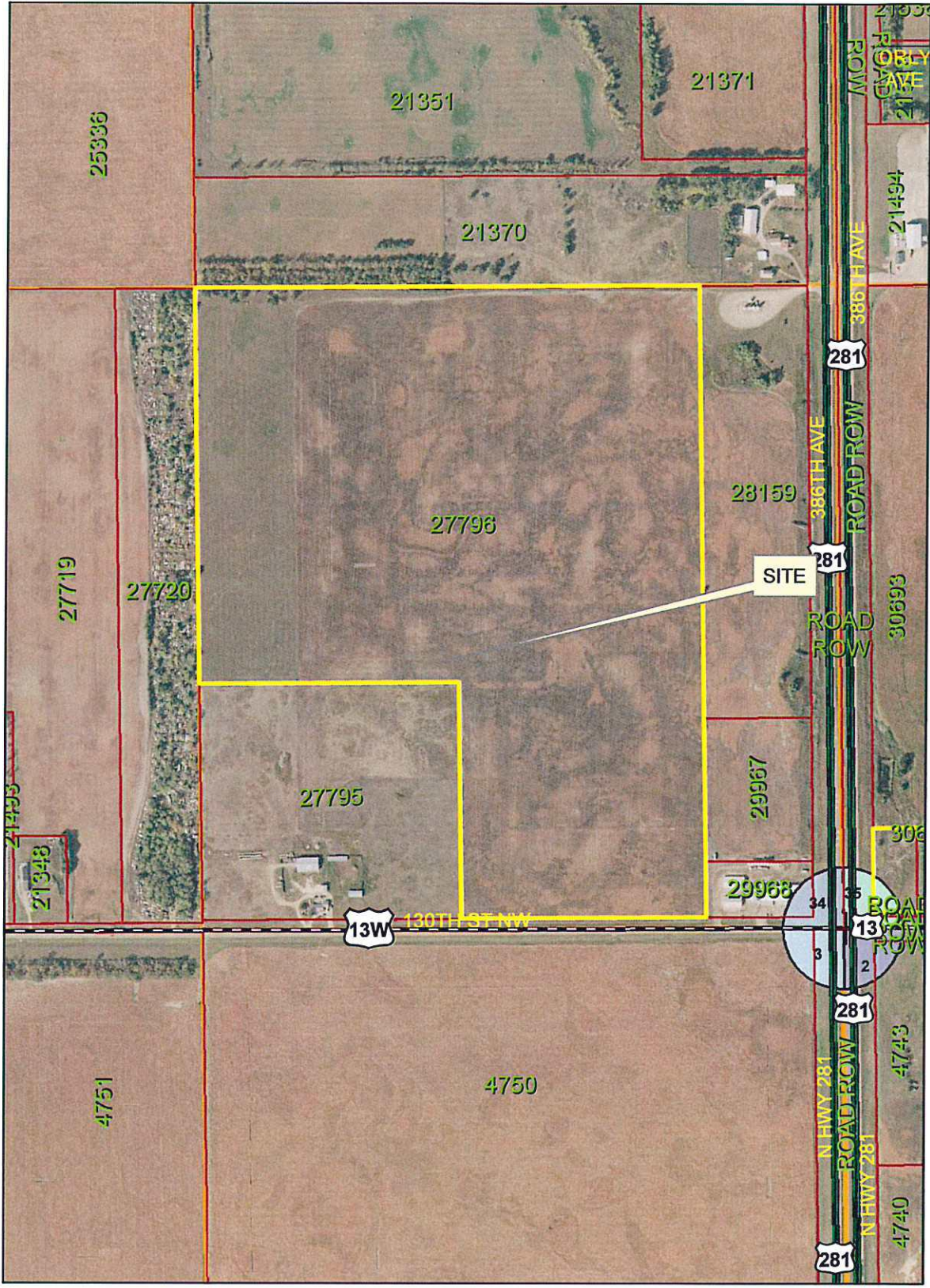
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





STAFF REPORT
June 16, 2020

PRELIMINARY & FINAL PLAT

ITEM # 22

GENERAL INFORMATION

PETITIONER	Lucian Jones
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	Lot 1, "Lou Jones Subdivision" in the NE1/4 of Section 21-T125N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	12135 391 st Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	Private Well
REPORTED BY	Scott Bader

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

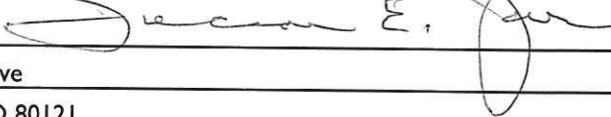
REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: 05/15/20
RECEIPT # 327026
TOWNSHIP: Garland

FEES: \$100.00
PAID: YES NO CHK CASH
DATE: 6-4-20

OWNERS SIGNATURE: Lucian Jones 
OWNERS ADDRESS: 6182 S Rosewood Drive
OWNERS CITY, STATE, ZIP: Centennial, CO 80121
OWNERS PHONE: _____

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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lou Jones Subdivision in the NE1/4 of Section 21-T125N-R63W of the
5th P.M., Brown County, South Dakota

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

By: _____	Date: _____
HEARING DATE: <u>June 16, 2020</u>	TIME: <u>7:00 pm</u>

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

1 Dropper holds 20 Drops which is 1 milliliter/cubic centimeter

½ Dropper yields 10 Drops which is 0.5 ml/cc

1 Tablespoon (T.) = 3 teaspoons (t) = 15ml/cc

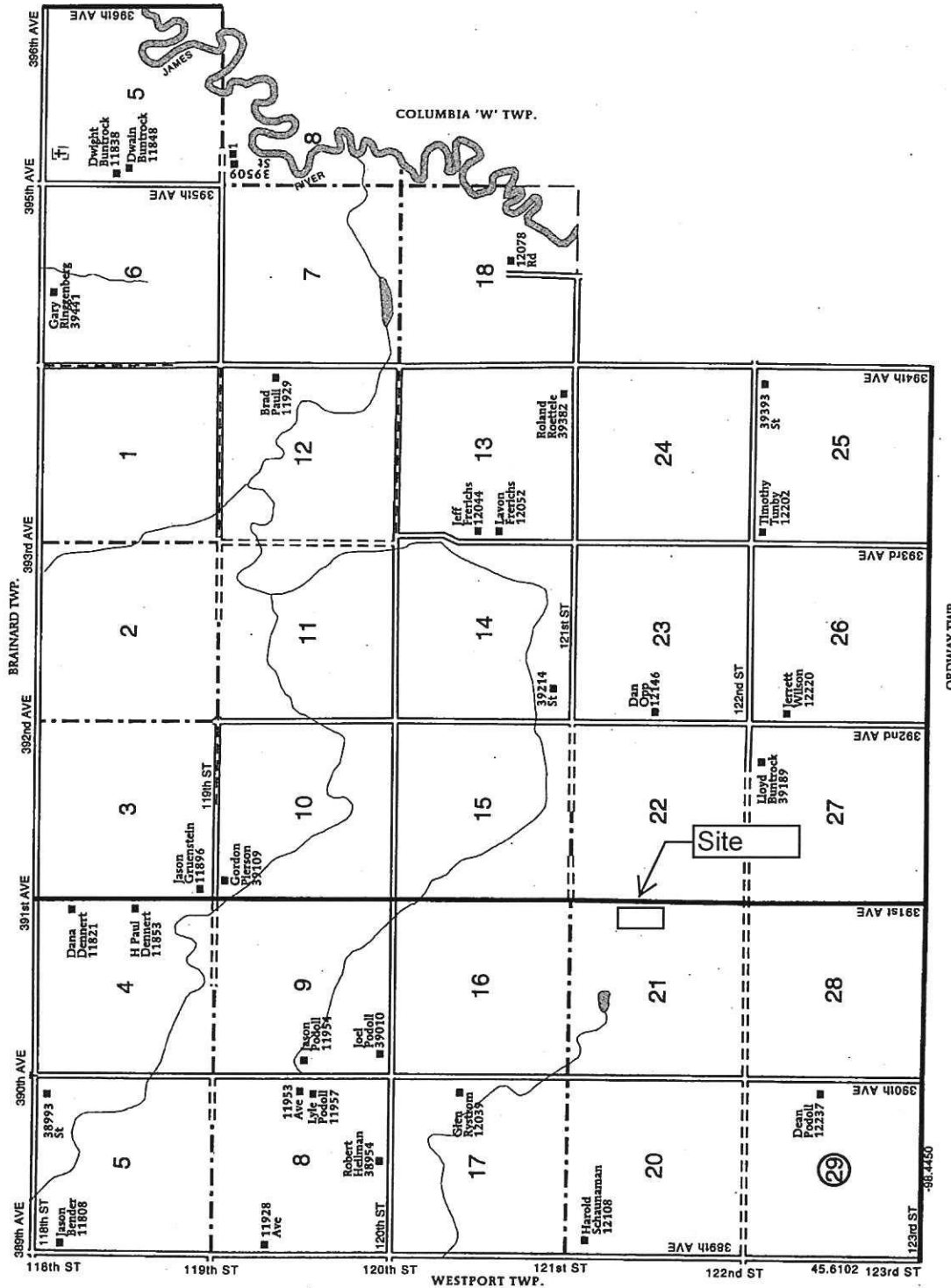
1ml/cc = ½t • 15ml/cc = 1T • 34ml/cc = 1 fl. oz. • 240 ml/cc = 1c.

T-125-N

GARLAND DIRECTORY

R-62-63-W

(Residents - Owners or Renters)



GARLAND TOWNSHIP
SECTION 29
T. Dennert, Terry 39515

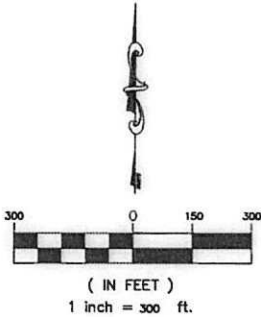
LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

LEGEND

- FOUND PROPERTY CORNER (RLS 4423)
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND GRANITE SHAFT
- M BEARING MEASURED THIS SURVEY
- PP PREVIOUSLY PLATTED BEARING

BASIS OF BEARINGS

IS UTM 14 NORTH ZONE
ALL DISTANCES ARE IN GROUND



121ST STREET

LUCIAN JONES
CONSERVATION EASEMENT
TRACT 1
IN THE NE 1/4 SECTION 21

NE CORNER
SECTION 21
(FOUND RLS #4423)

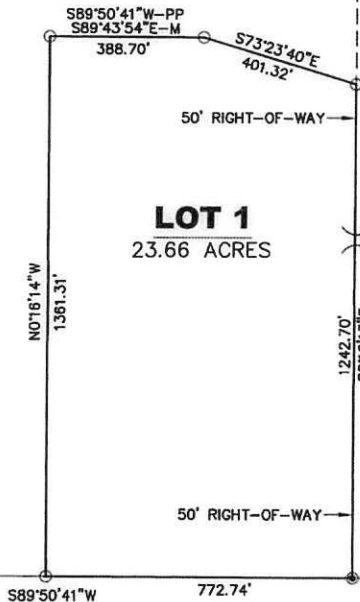
391ST AVENUE

LOT 1
23.66 ACRES

EXISTING APPROACH

CENTER 1/4 CORNER
SECTION 21 (FOUND
GRANITE SHAFT)
1813.06'

EAST 1/4 CORNER
SECTION 21
(FOUND RLS #4423)



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 131
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF

A-7675

**LOU JONES SUBDIVISION
IN THE NE 1/4 OF SECTION 21-T125N-R63W OF
THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF LUCIAN E. JONES AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 1, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20____.

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____.

LUCIAN E. JONES

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

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

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LOU JONES SUBDIVISION IN THE NE 1/4 OF SECTION 21-T125N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF

A-7675

**LOU JONES SUBDIVISION
IN THE NE 1/4 OF SECTION 21-T125N-R63W OF
THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

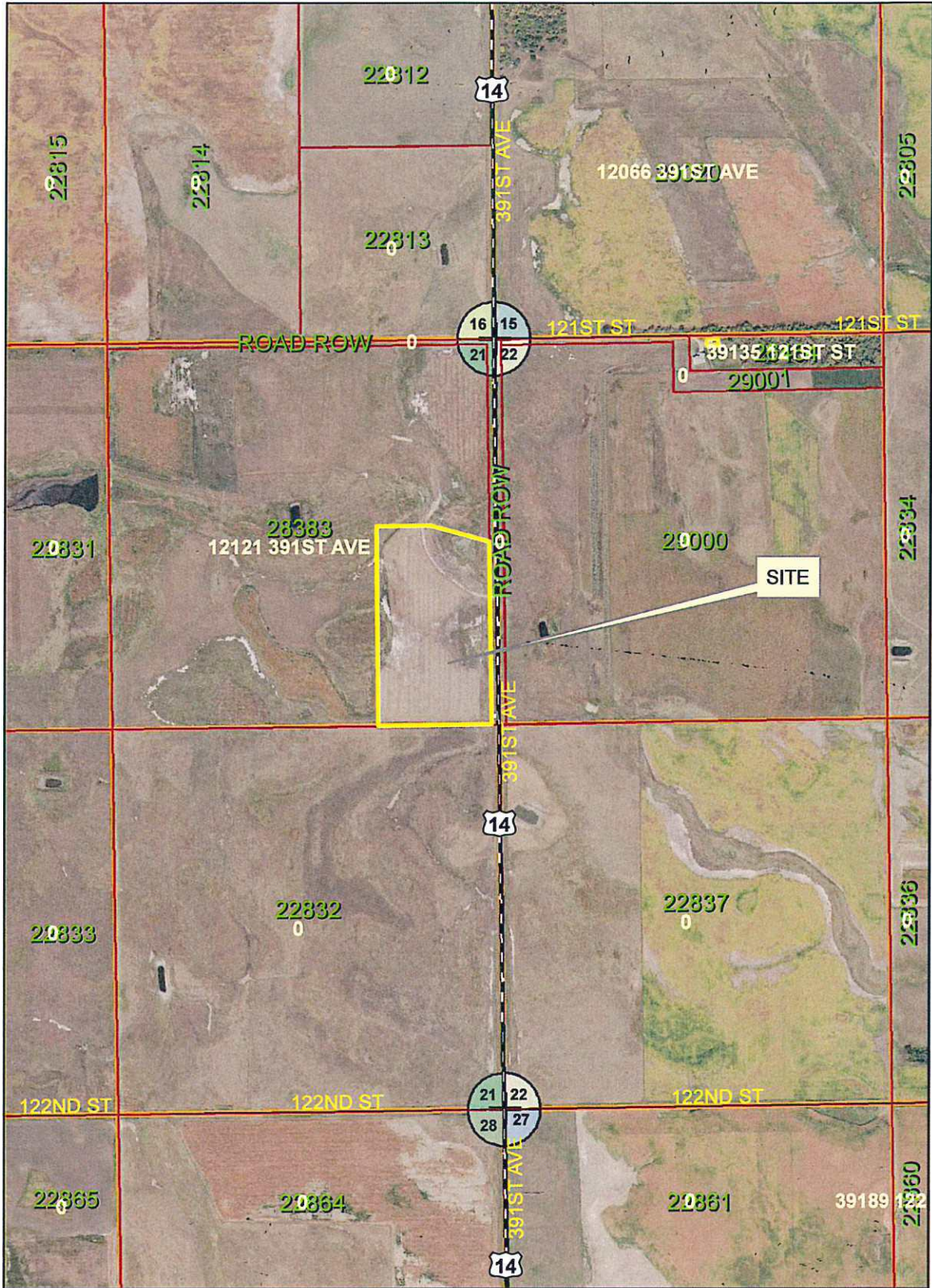
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

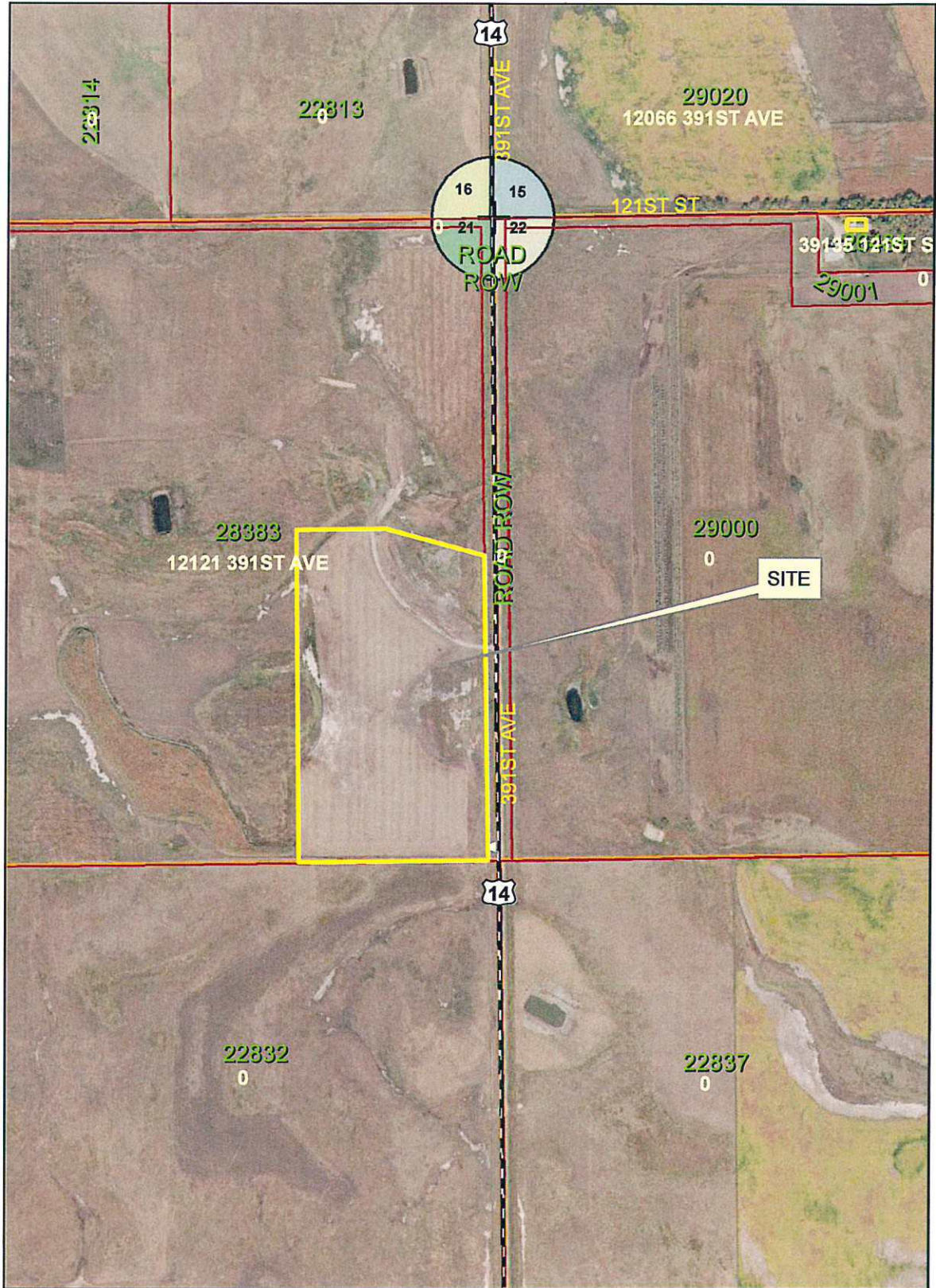
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





STAFF REPORT

June 16, 2020

PRELIMINARY & FINAL PLAT

ITEM # 23

GENERAL INFORMATION:

PETITIONER: Prairie Hill Farms

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Lots 1&2, "Prairie Hill Farms First Subdivision" in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 2046 & 2134 130th St NW

TOWNSHIP: LincolnTwp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

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

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

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

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Prairie Hill Farms First Subdivision

QUARTER: SE SECTION: 34 TOWNSHIP: 124 RANGE: 64

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

OWNERS NAMES: Prairie Hill Farms

OWNERS NAMES: Jim Thares

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Assoc)

TYPE: PRELIMINARY ___ FINAL ___ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: 06 / 02 / 20 20

RECEIVED BY PLANNING DEPARTMENT: 05 / 19 / 2020 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

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

HIGHWAY SIGNATURE LINE SIGNED _____

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

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

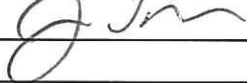
RECOMMENDATION: ___ APPROVE ___ DENY ___ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: May 27, 2020
RECEIPT # 327015
TOWNSHIP: Lincoln Twp

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 6-2-20

OWNERS SIGNATURE: Prairie Hill Farms 
OWNERS ADDRESS: PO Box 1359
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57402
OWNERS PHONE: 605-216-6002

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

REQUEST: Preliminary and Final Plat

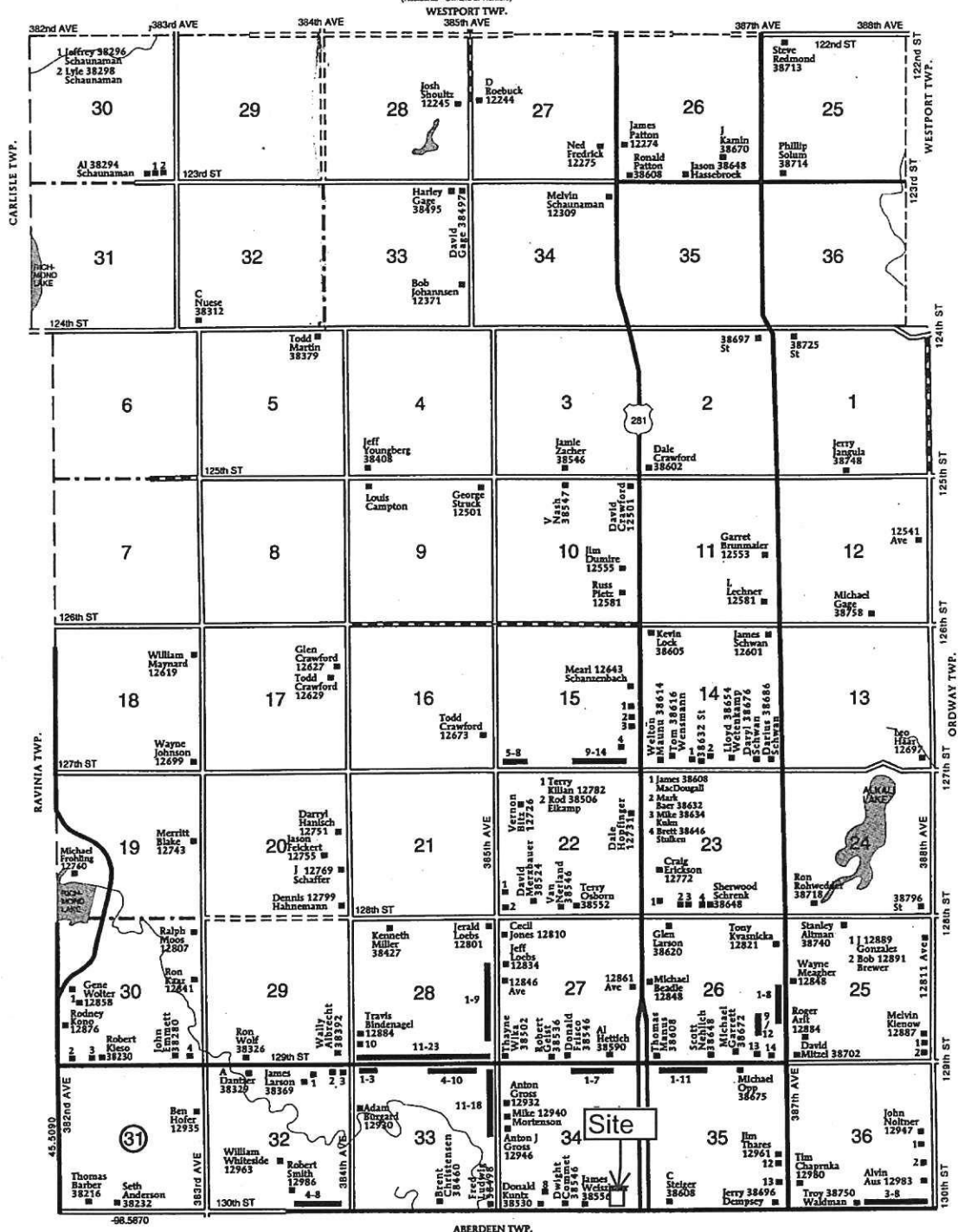
LEGAL DESCRIPTION: Prairie Hill Farms First Subdivision in the SE1/4 of Section 34-T124N-R64W
of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00 pm

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



LINCOLN TOWNSHIP

SECTION 14

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

SECTION 15

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

SECTION 26S

- 1 Wetenkamp, Lloyd D 12847
- 2 Hedges, Kendall 12849
- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 12857
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Jerald 12875
- 9 Keller, Mike 12862
- 10 Stein, Craig 12866
- 11 Hedge, Duane 12870
- 12 Cali, Ty 12874
- 13 Wahl, Merle 38686
- 14 Punt, Lawayne 38690

SECTION 28S

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

SECTION 30S

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

SECTION 32S

- 1 Lehr, Cary 38373
- 2 Otto, Randall 38393
- 3 Gosvener, Ken 12901
- 4 Martinmaas, Roger 38364
- 5 Thorstenson, Casey 38370
- 6 Harms, Bruce 38374
- 7 Hartung, Mark 38386
- 8 Keller, Edward 38392

SECTION 33S

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

SECTION 34S

- 1 Hartung, John 38549
- 2 Shilman, Larry 38557
- 3 Tarrell, Ron 38559
- 4 Odde, N 38563
- 5 Volzke, Randy 38587
- 6 Malsam, Melvin 38589
- 7 Igo, Loren 38591
- 8 Rittler, Loren 38534

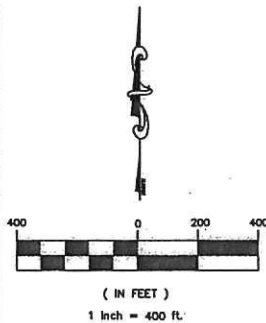
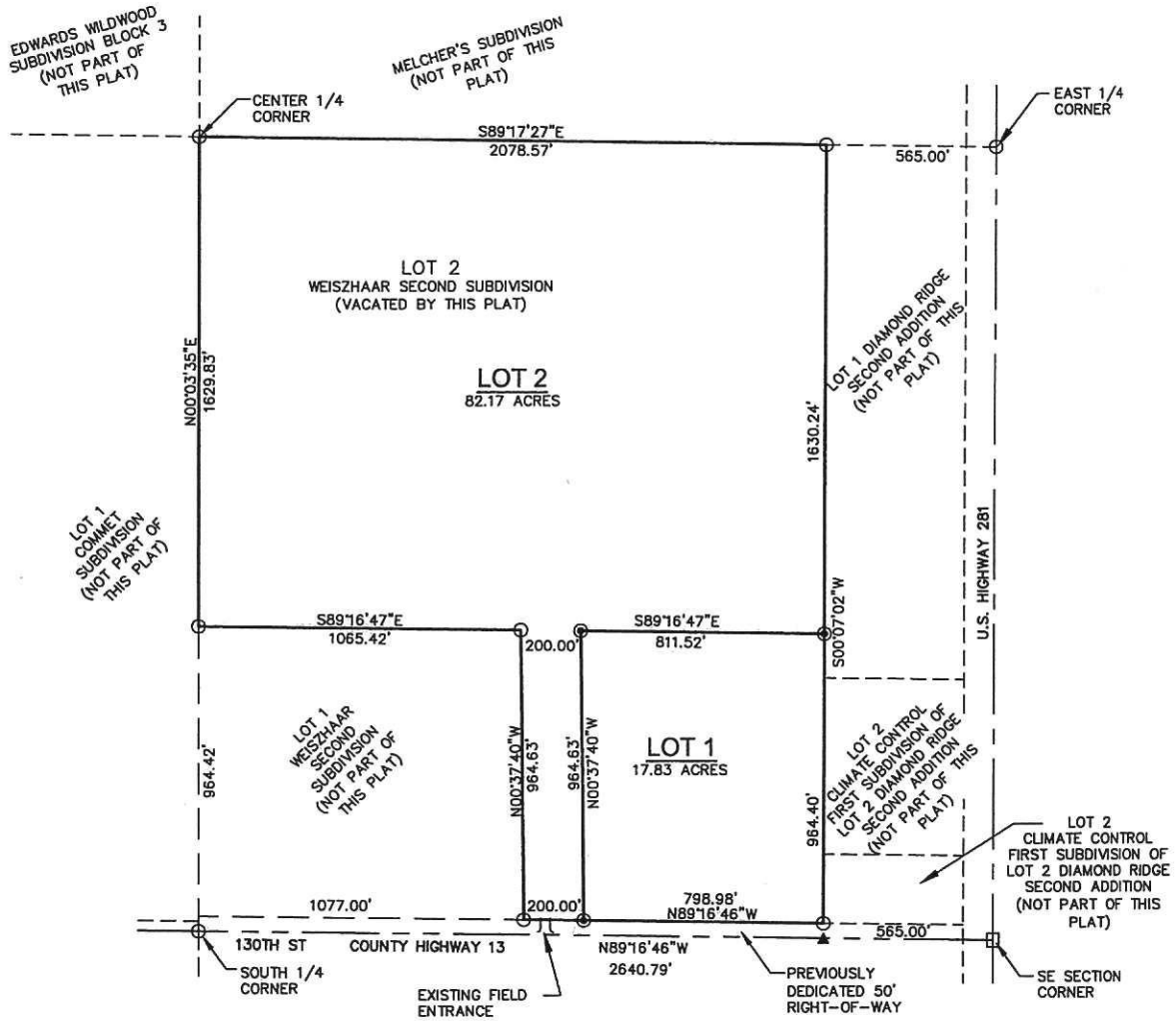
SECTION 35S

- 1 Fordham, Donald 38621

SECTION 36S

- 1 Dalager, John 12953
- 2 Hinds, Bill 12971
- 3 Waldman, Clarence 38756
- 4 Waldman, Galen 38762
- 5 Pence, Bryan 38766
- 6 Cowan, Richard 38770
- 7 Lonning, Stuart 38782
- 8 Bock, Jeff 38792

PLAT OF
PRAIRIE HILL FARMS FIRST SUBDIVISION
IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA



Robert K. Kieso
 REGISTERED LAND SURVEYOR
 REG. NO. 9214
 ROBERT K. KIESO
 SOUTH DAKOTA
 May 6, 2020

LEGEND

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

BASIS OF BEARINGS
GPS OBSERVATION

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

PLAT OF
PRAIRIE HILL FARMS FIRST SUBDIVISION
IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF PRAIRIE HILL FARMS, L.L.C., AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 23, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W 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 6th DAY OF May, 2020


ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W 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 7th DAY OF May, 2020

PREVIOUSLY DESCRIBE AS:
LOT 2 WEISZHAAR SECOND SUBDIVISION IN THE SE 1/4
OF SECTION 34-T124N-R64W OF THE 5TH P.M. BROWN
COUNTY, SOUTH DAKOTA

PRAIRIE HILL FARMS, L.L.C.


JIM THARES (MEMBER) PRAIRIE HILL FARMS, L.L.C.

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 WEISZHAAR SECOND SUBDIVISION, AS RECORDED AS PLAT NO. 2964, ON FEBRUARY 27, 2013 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 7th DAY OF May, 2020

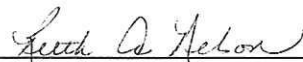
PRAIRIE HILL FARMS, L.L.C.


JIM THARES (MEMBER) PRAIRIE HILL FARMS, L.L.C.

CORPORATE ACKNOWLEDGEMENT

STATE OF SDakota
COUNTY OF BROWN SS
ON THIS THE 7th DAY OF May, 2020 BEFORE ME, Ruth A Nelson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JIM THARES OF PRAIRIE HILL FARMS, L.L.C., AND THAT HE, AS SUCH AS A MEMBER, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE L.L.C. BY HIMSELF AS A MEMBER IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.




NOTARY PUBLIC, South Dakota STATE

MY COMMISSION EXPIRES: 1/25/26

PLAT OF
PRAIRIE HILL FARMS FIRST SUBDIVISION
IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING PRAIRIE HILL FARMS FIRST SUBDIVISION IN THE SE 1/4 OF SECTION 34-T124N-R64W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

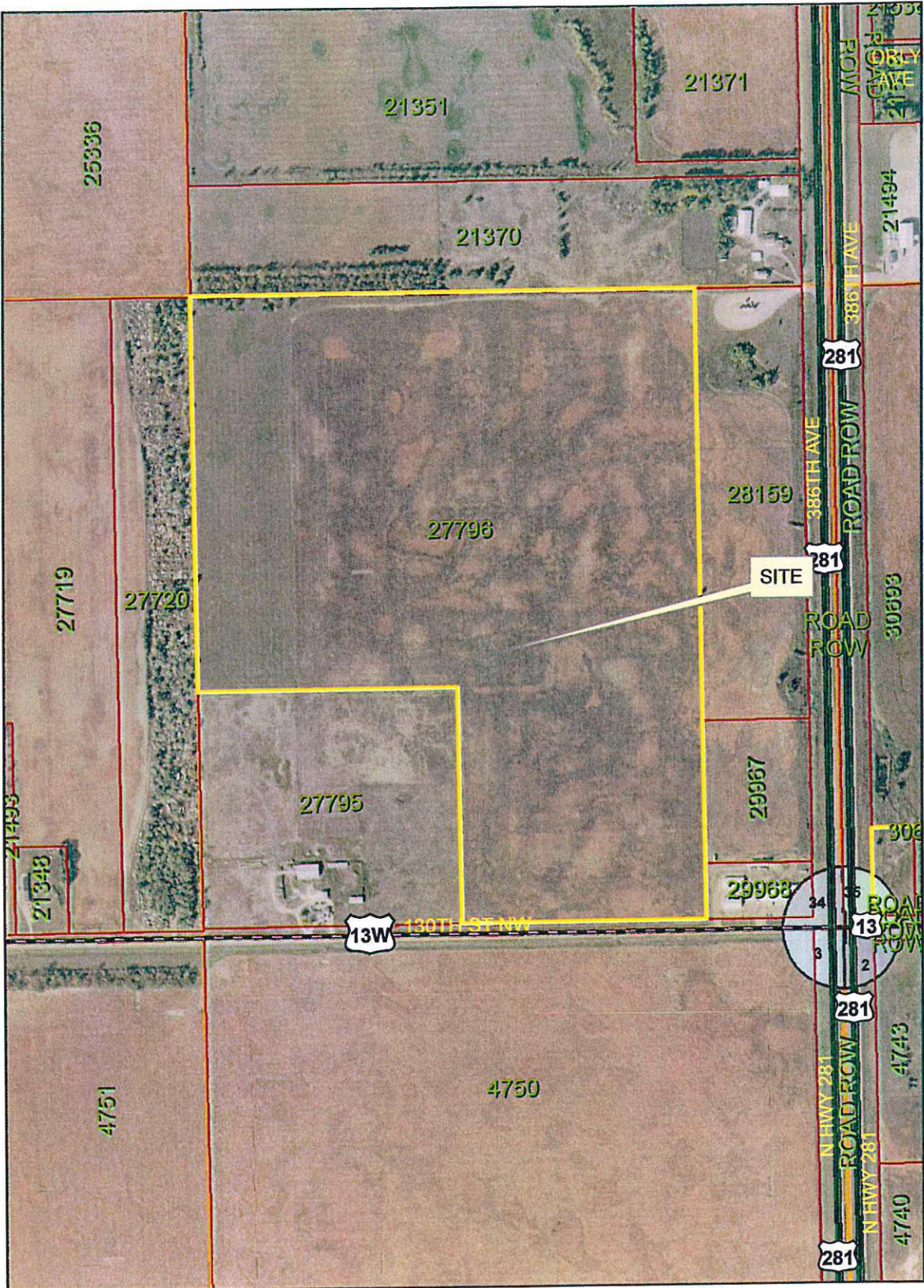
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



STAFF REPORT
June 16, 2020

PRELIMINARY & FINAL PLAT

ITEM # 24

GENERAL INFORMATION

PETITIONER	Todd Hanson
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	2805 N. 391 st Ave
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Mini-Ag District (M-AG)
South:	Agriculture Preservation District (AG-P)
East:	Highway Commercial District (H-C)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed this request and recommends approval.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME _____

QUARTER: _____ SECTION: _____ TOWNSHIP: _____ RANGE: _____

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

OWNERS NAMES: _____

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: _____

TYPE: PRELIMINARY _____ FINAL _____ BOTH _____

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

RECEIVED BY PLANNING DEPARTMENT: ____/____/20 BY: _____

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

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

STREETS/ROADS NAMED PROPERLY _____

EXISTING ACCESS SHOWN ON PLAT _____ ACCESS NEEDED _____

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

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

HIGHWAY SIGNATURE LINE SIGNED _____

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

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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


BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: May 27, 2020
RECEIPT # 326981
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 4/21/2020

OWNERS SIGNATURE: Carson Larson
OWNERS ADDRESS: PO Box 98
OWNERS CITY, STATE, ZIP: Columbia, SD 57433
OWNERS PHONE: _____

AGENTS SIGNATURE: Todd Hanson 
AGENTS ADDRESS: 12847 393rd Ave
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-216-1800

REQUEST: Preliminary & Final Plat

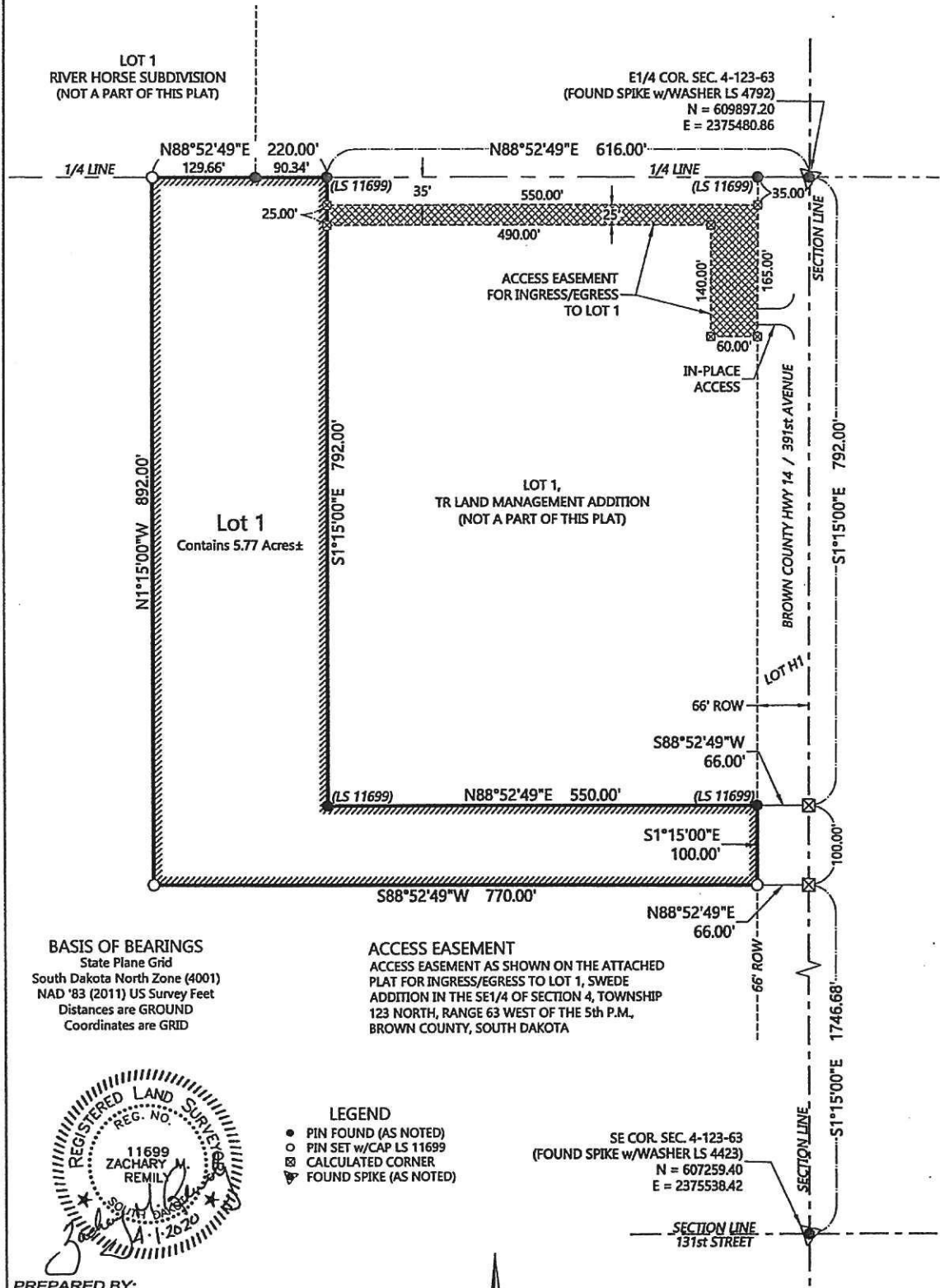
LEGAL DESCRIPTION: Lot 1, "Swede Addition" in the SE1/4 of Section 4-T123N-R63W
of the 5th P.M., Brown County, South Dakota

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

By: _____	Date: _____
HEARING DATE: <u>June 16, 2020</u>	TIME: <u>7:00pm</u>

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

PLAT SHOWING
SWEDE ADDITION
 IN THE SE1/4 OF SECTION 4,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



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

ACCESS EASEMENT
 ACCESS EASEMENT AS SHOWN ON THE ATTACHED
 PLAT FOR INGRESS/EGRESS TO LOT 1, SWEDE
 ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP
 123 NORTH, RANGE 63 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



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

SE COR. SEC. 4-123-63
 (FOUND SPIKE w/WASHER LS 4423)
 N = 607259.40
 E = 2375538.42

PREPARED BY:

CLARK
 ENGINEERING

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



PLAT SHOWING
SWEDE ADDITION
 IN THE SE1/4 OF SECTION 4,
 TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Carson Larson and Julie Larson, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that they are the owner of the Southeast Quarter (SE1/4) of Section Four (4), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., [EXCEPT that portion deeded for highway purposes, EXCEPT Lot H-1 thereof and EXCEPT the Southeast Quarter of the Southeast Quarter of Section 4, Township 123 North, Range 63 West of the 5th P.M.] Brown County, South Dakota (WARRANTY DEED filed 1-27-2020 and duly recorded in Book 305, Page 18), and that they have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Owners:

 Carson Larson

Signed this _____ day of _____, 2020.

 Julie Larson

Signed this _____ day of _____, 2020.

COUNTY OF _____)
 STATE OF _____) SS

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

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

My Commission Expires: _____

 Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 13 day of APRIL, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HWY 14 - 391st AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this _____ day of _____, 2020.

 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

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

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

PREPARED BY:



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

PLAT SHOWING
SWEDE ADDITION
IN THE SE1/4 OF SECTION 4,
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

COUNTY COMMISSION APPROVAL

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

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SWEDE ADDITION IN THE SE1/4 OF SECTION 4, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

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

Signed this _____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

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

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

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

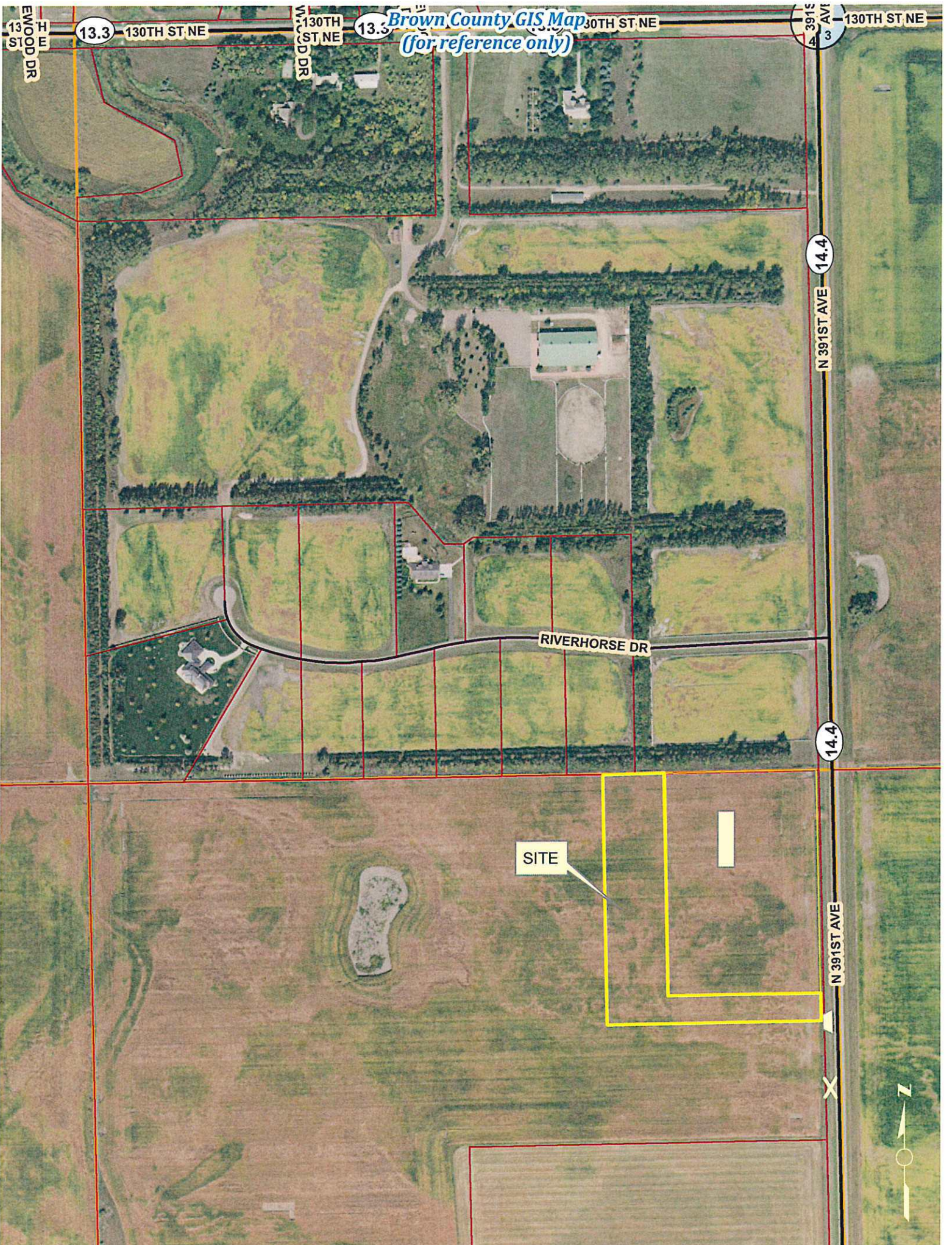
Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

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

A20028



Brown County GIS Map
(for reference only)

13.3 130TH ST NE

13.3

130TH ST NE

14.4

14.4

14.4

N 391ST AVE

RIVERHORSE DR

SITE



*Brown County GIS Map
(for reference only)*



792

4.0 acres

100'

770'

1.77 acres

770'

14.4 N 391ST AVE

New Approach

Remove existing approach and
reuse the dirt on new approach



STAFF REPORT
June 16, 2020

PRELIMINARY & FINAL PLAT

ITEM # 25

GENERAL INFORMATION

PETITIONER	Sherry Schlosser
REQUEST	Preliminary & Final Plat
LEGAL DESCRIPTION	Sherry Schlosser Subdivision in the NW1/4 of Section 5-T126N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	38909 112 th St
EXISTING ZONING	Conservation District (CN)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Conservation District (CN)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

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

REVIEW: Staff has reviewed this request and recommends approval.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Sherry Schlosser Subdivision

QUARTER: NW SECTION: 5 TOWNSHIP: 126 RANGE: 63

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

OWNERS NAMES: Sherry Schlosser

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon (Helms & Assoc)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: 05 / 26 /2020

RECEIVED BY PLANNING DEPARTMENT: 05 / 26 /2020 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

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

HIGHWAY SIGNATURE LINE SIGNED _____

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

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: 5/26/2020
RECEIPT # 327008
TOWNSHIP: Brainard Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 5/26/2020

OWNERS SIGNATURE: Sherry Schlosser 
OWNERS ADDRESS: 38909 112th St
OWNERS CITY, STATE, ZIP: Frederick, SD 57441
OWNERS PHONE: 605-329-2303

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

REQUEST: Preliminary & Final Plat

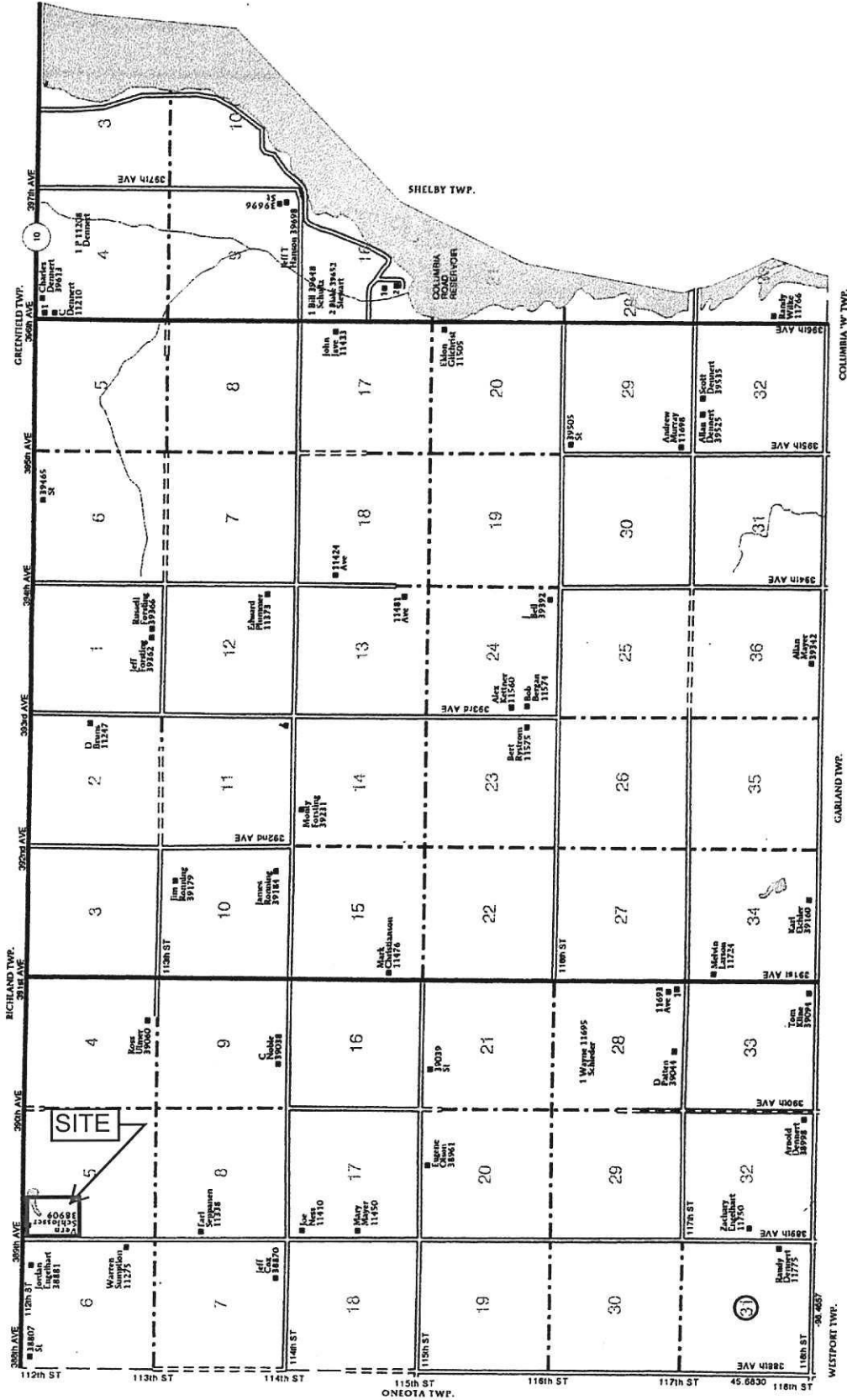
LEGAL DESCRIPTION: Sherry Schlosser Subdivision in the NW1/4 of Section 5-T126N-
R63W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00 pm

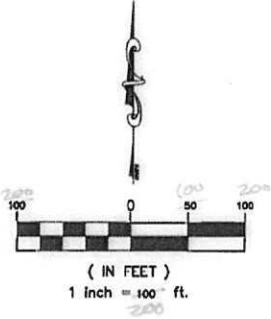
MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



PLAT OF

A-7676

SHERRY SCHLOSSER SUBDIVISION IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA

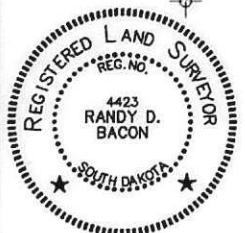
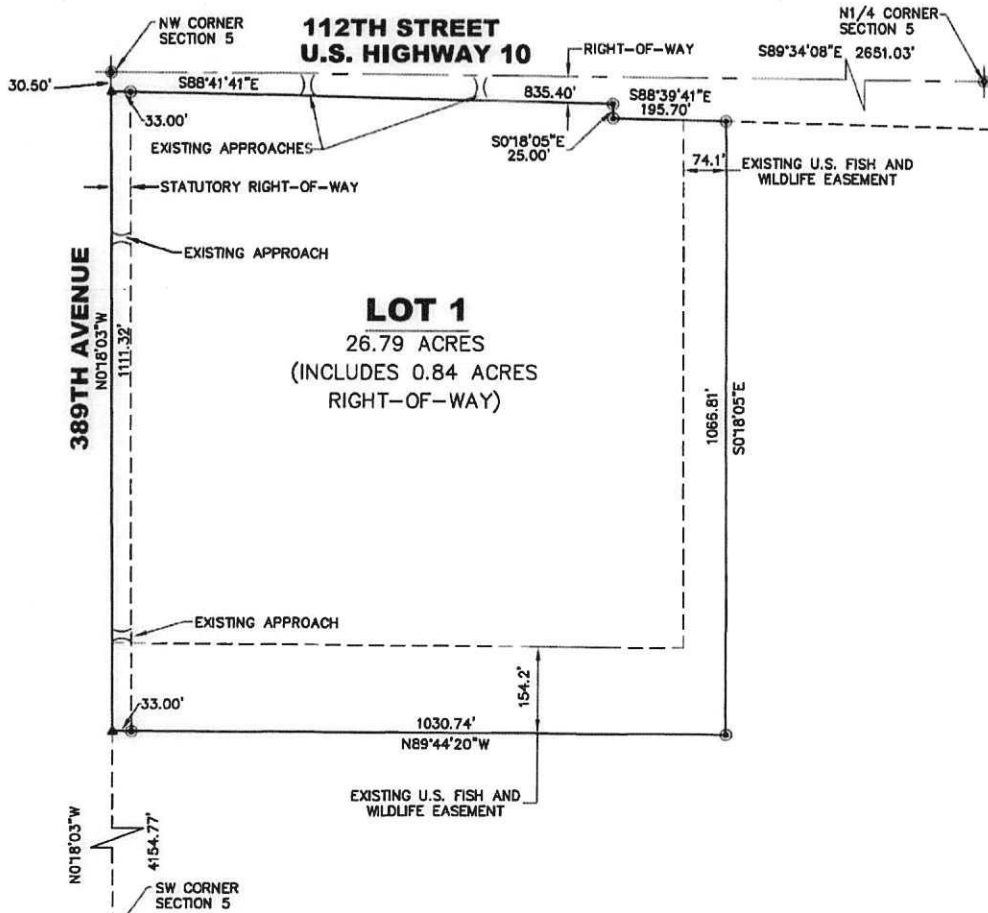


LEGEND

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

BASIS OF BEARINGS

TRUE MERIDIAN-GPS



Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

211 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.325.1212
Fax: 605.325.3189

DWG. 7676-LS BY: CLB SHEET 1 OF 3

**SHERRY SCHLOSSER SUBDIVISION
IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF SHERRY M. SCHLOSSER AS OWNER, AND UNDER HER DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 27, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: SHERRY SCHLOSSER SUBDIVISION IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20____.

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS SHERRY SCHLOSSER SUBDIVISION IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____.

SHERRY M. SCHLOSSER

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

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

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING SHERRY SCHLOSSER SUBDIVISION IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING SHERRY SCHLOSSER SUBDIVISION IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

**SHERRY SCHLOSSER SUBDIVISION
IN THE NW 1/4 OF SECTION 5-T126N-R63W OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

HIGHWAY ACCESS CERTIFICATE

ACCESS TO _____ IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

BY: _____
HIGHWAY OR STREET AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

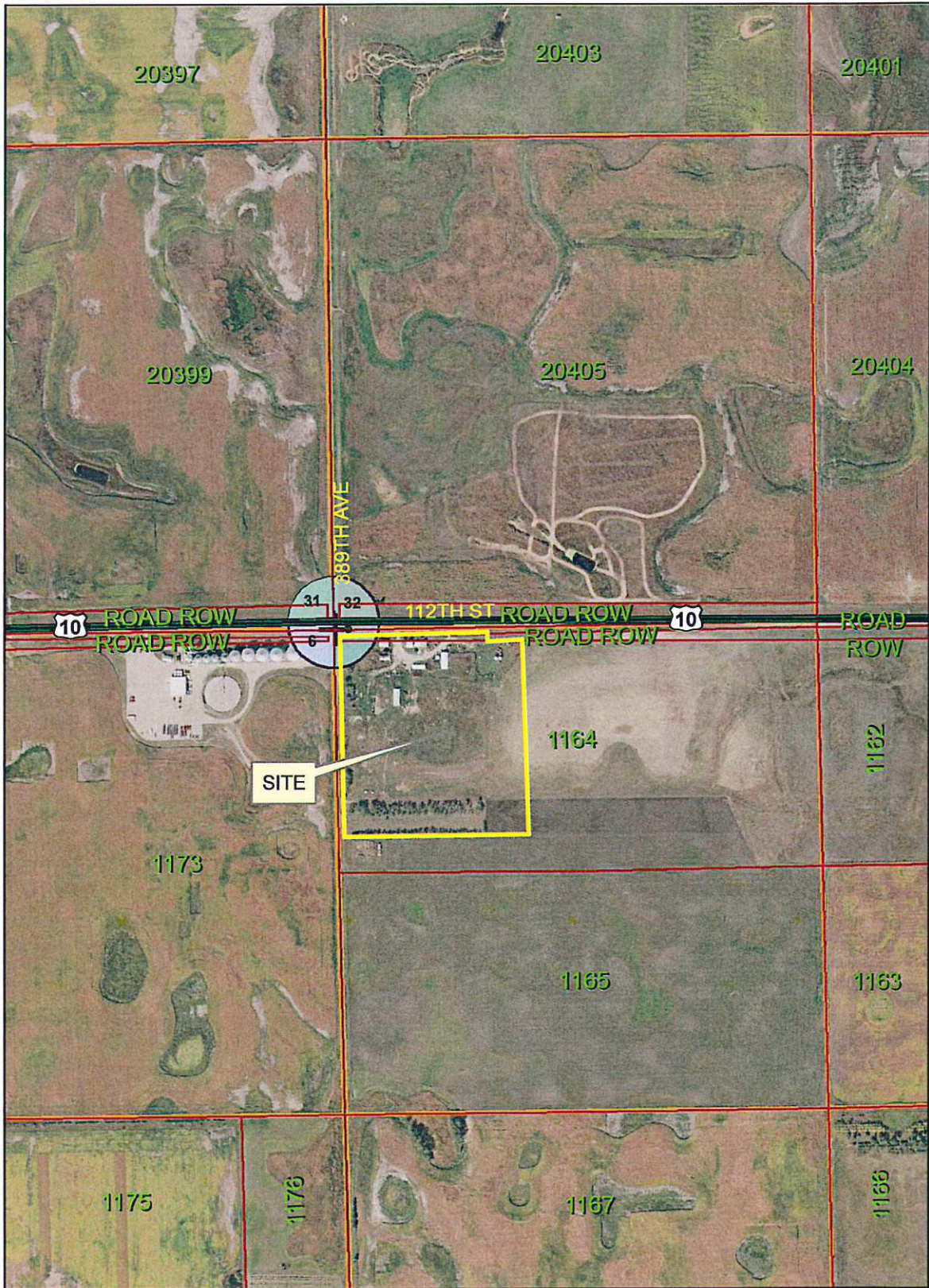
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

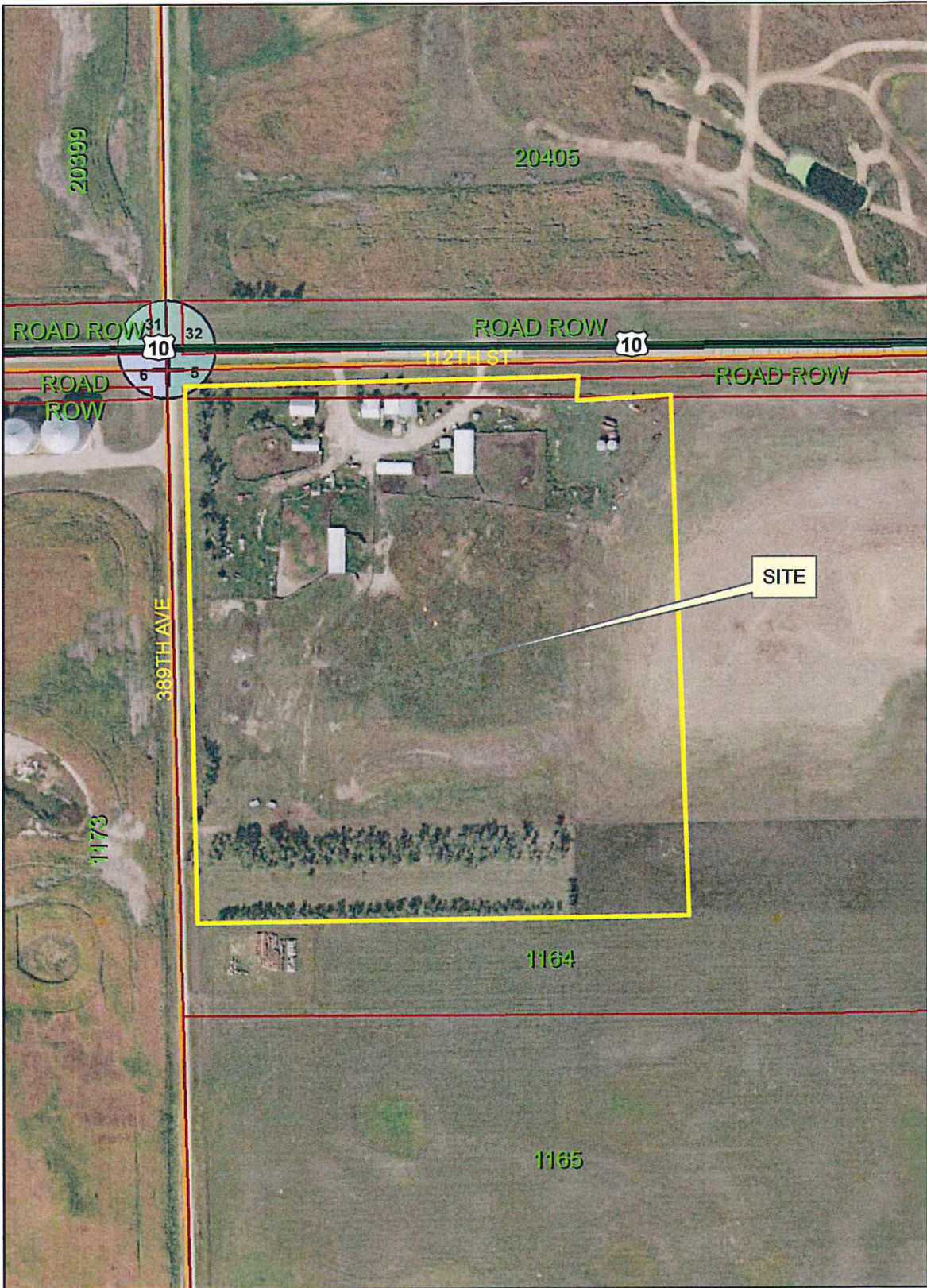
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





STAFF REPORT

June 16, 2020

PRELIMINARY & FINAL PLAT

ITEM # 26

GENERAL INFORMATION:

PETITIONER: Neil Bellikka

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: Lots 1&2, Bellikka Second Subdivision in the SW1/4 of Section 28-T124N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 38424 129th Street

TOWNSHIP: LincolnTwp

EXISTING ZONING: Mini Agriculture District (M-AG)

SURROUNDING ZONING:

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

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

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

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Bellikka Second Subdivision

QUARTER: SW SECTION: 28 TOWNSHIP: 124 RANGE: 64

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

OWNERS NAMES: Neil Bellikka

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Randy Bacon (Helms & Assoc)

TYPE: PRELIMINARY ___ FINAL ___ BOTH X

FEE: ~~\$25.00~~ ACRES x ~~\$1.00~~ TOTAL: \$ 100.00 DATE PAID: 05 / 22 / 2020

RECEIVED BY PLANNING DEPARTMENT: 05 / 19 / 20 BY: Scott Bader

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

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

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED ___

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

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE ___

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

HIGHWAY SIGNATURE LINE SIGNED ___

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

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: ___ APPROVE ___ DENY ___ RE-SUBMIT ON

CONSIDERED BY COUNTY COMMISSION:

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

**BROWN COUNTY
PLANNING & ZONING COMMISSION**

APPLICATION FOR PLAT APPROVAL

DATE: May 26, 2020
RECEIPT # 327006
TOWNSHIP: Lincoln Twp

FEES: \$100.00
PAID: YES NO CHK CASH
DATE: May 22, 2020

OWNERS SIGNATURE: *Scott Bader*
OWNERS ADDRESS: 38424 129th St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-228-3200

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

REQUEST: Preliminary & Final Plat

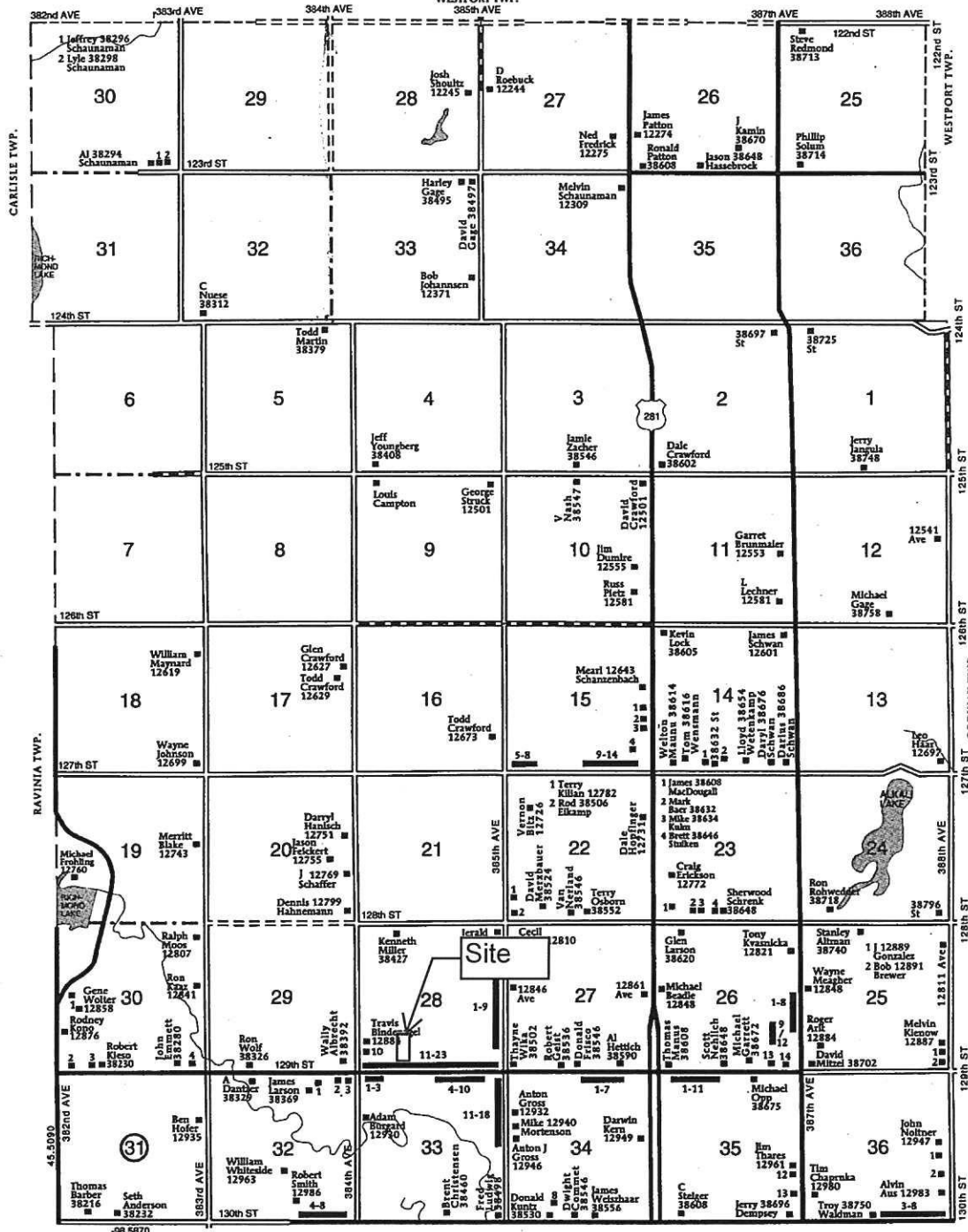
LEGAL DESCRIPTION: Lot 1, Bellikka First Subdivision in the SW1/4 of Section 28-
T124N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 16, 2020 TIME: 7:00pm

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



LINCOLN TOWNSHIP

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

- SECTION 26S**
 1 Wetenkamp, Lloyd D 12847
 2 Hedges, Kendall 12849
 3 Labay, Richard 12851
 4 Kolb, Myron 12855
 5 12857
 6 Wacholz, B 12861
 7 Simonson, Lee 12869
 8 Rychlik, Jerald 12875
 9 Keller, Mike 12862
 10 Stein, Craig 12866
 11 Hedge, Duane 12870
 12 Call, Ty 12874
 13 Wahl, Merle 38686
 14 Punt, Lawayne 38690
- SECTION 28S**
 1 Drageset, Jamie 12833
 2 Adol, Gregory 12839
 3 Hoeltzer, Curtis 12843
 4 Wilkie, Chad 12845
 5 Carlson, Cartor 12853

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

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

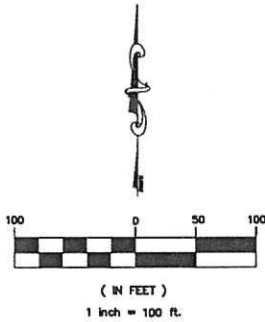
- 9 Feickert, Dennis 38485
 10 Foss, Kevin 38489
 11 Martel, Don 12903
 12 Entzel, Ernest 12907
 13 Malsom, Bob 12909
 14 Falken, Jess 12915
 15 Skott, Randy 12921
 16 Kurtz, B 12927
 17 Gross, Joe 12941
 18 Schlosser, Rudolph 12945
- SECTION 34S**
 1 Hartung, John 38549
 2 Shilman, Larry 38557
 3 Tarrell,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

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

PLAT OF BELLIKKA SECOND SUBDIVISION, IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

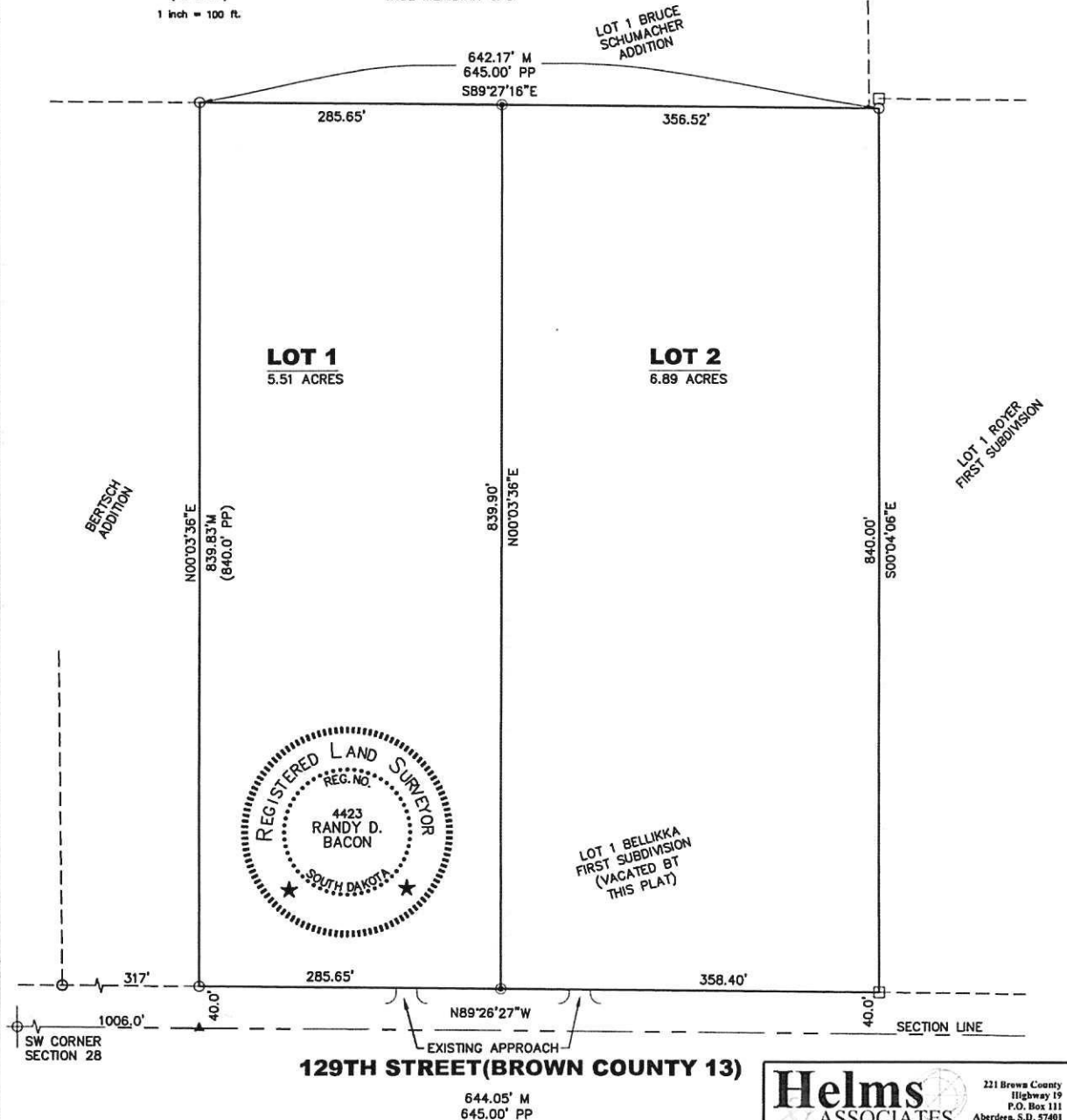
LEGEND

- FOUND PROPERTY CORNER L.S. #1641
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND PIPE
- ▲ CALCULATED POSITION
- M DISTANCE MEASURED THIS SURVEY
- PP DISTANCE PREVIOUSLY PLATTED



BASIS OF BEARINGS

TRUE MERIDIAN GPS



129TH STREET (BROWN COUNTY 13)

Helms
ASSOCIATES

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

CIVIL ENGINEERS & LAND SURVEYORS

**BELLIKKA SECOND SUBDIVISION,
IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF NEIL E. BELLIKKA AND JOANN E. BELLIKKA AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY, 8, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BELLIKKA SECOND SUBDIVISION, IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS ____ DAY OF _____, 20____

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE 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 BELLIKKA SECOND SUBDIVISION, IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____

NEIL E. BELLIKKA

JOANN E. BELLIKKA

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 BELLIKKA FIRST SUBDIVISION, AS RECORDED IN AS PLAT NO. 2181H, ON NOVEMBER 29, 2005 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20____

NEIL E. BELLIKKA

JOANN E. BELLIKKA

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED NEIL E. BELLIKKA AND JOANN E. BELLIKKA KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

COUNTY PLANNING COMMISSION CERTIFICATION

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

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BELLIKKA SECOND SUBDIVISION, IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

PLAT OF

A-7720

**BELLIKKA SECOND SUBDIVISION,
IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

APPROVAL BY COUNTY

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

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BELLIKKA SECOND SUBDIVISION, IN THE SW 1/4 OF SECTION 28-T124N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

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

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

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

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

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

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

*Brown County GIS Map
(for reference only)*

384TH AVE

SITE

38424 129th St

38428 129th St

129TH ST 13.2

129TH ST 13.2

28
33

384TH AVE



*Brown County GIS Map
(for reference only)*

SITE

58024 129th St

58428 129th St

