

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY May 20, 2025 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** *Brown County Planning/Zoning Commission* meeting was called to order by David North, Vice-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were, David North Vice-Chairman, James Meyers, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*), Deputy State's Attorney Ross Aldentaler, Dale Kurth, Pat Keatts, and Paul Johnson (*Alternate P&Z Commissioner*) along with staff members, Ron Keller & Chris Anderson. Stan Beckler, Chairman & Carrie Weisenburger were absent.
- III. **Agenda:** After discussion, Keatts moved and Gage seconded to approve the May 20, 2025, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Keatts moved and Kurth seconded to approve the April 15, 2025, Planning/Zoning Commission Minutes, all members voted aye; motion carried.

Old Business:

- 1) Sign-up Sheet: On the table by the door entrance, there is a Sign-up Sheet. PLEASE PRINT LEGIBLY and mark YES or NO if you want to speak to the Board on any Agenda Item.
- 2) Anyone that has submitted a Variance Petition (VP) or Conditional Use Petition (CUP) to the Zoning Board of Adjustment (BOA) is still required to get their required *PERMITS* from the Zoning Office before starting their project if their request gets approved. Penalties may be assessed per Ordinance when starting projects without proper permits in place.
- 3) **Amendment to Title 4 Ordinances:** Brown County Planning & Zoning is proposing an Ordinance to amend Brown County Zoning Ordinances in:
 - 1) Chapter 4.01 Definitions
 - 2) Chapter 4.06 Agriculture Preservation District (AG-P)
 - 3) Chapter 4.36 Wind Energy Systems (WES)Presented by Scott Bader, Brown County Planning & Zoning Director. Mike Iacopetti was present for this item. Following discussion, Meyers moved and Kurth seconded to **recommend approval of amending different chapters of the existing Title 4 Wind Energy Systems (WES)** to the Board of Brown County Commissioners. Roll call vote: North – aye, Meyers – aye, Gage – aye, Kurth – aye, Keatts – aye, Johnson – nay, motion carried.
- 4) **Amend to Title 4 Ordinance to add Data Centers:** Brown County Planning & Zoning is proposing an Ordinance to amend Brown County Zoning Ordinances in:
 - 4) Chapter 4.01 Definitions
 - 5) Chapter 4.06 Agriculture Preservation District (AG-P)
 - 6) Chapter 4.16 Heavy Industrial District (H-I)
 - 7) Chapter 4.38 Data Centers

Presented by Scott Bader, Brown County Planning & Zoning Director. No one was present for this item. Following discussion, Gage moved and Keatts seconded to **recommend approval of adding Chapter 4.38 Data Centers & amending different chapters of the existing Title 4 Ordinances** to the Board of Brown County Commissioners. All members voting aye, motion carried.

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

- 1) Variance to Approach Separation** in a Mini-Agriculture District (M-AG) described as Proposed Lot 1, “Leikvold Second Addition” in the SW1/4 of Section 26-T124N-R64W of the 5th P.M., Brown County, South Dakota (38632 129th Street; Lincoln Twp.). Submitted by Brody & Brooke Leikvold. Brooke Leikvold was in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, Kurth seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, Kurth seconded to **approve a Variance to Approach Separation** for a proposed new approach to be 215’ and 250’ from existing approaches, all members voting aye, motion carried.
- 2) Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, “Wheat Grower’s West Subdivision” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38435 133rd Street; Aberdeen Twp.). Submitted by Steve Holm, A-1 Sanitation & Recycling, LLC. There was no one in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, Keatts seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Meyers moved, Keatts seconded to **approve a Conditional Use Petition (CUP)** to build a 25’ x 45’ storage building in a Heavy Industrial District (H-I), all members voting aye, motion carried.
- 3) Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as Lot 1A, “Sombke Second Subdivision” in the S1/2 of Section 8-T121N-R60W of the 5th P.M., Brown County, South Dakota (40752 144th Street, Bates Twp.). Submitted by Bryce and Bryan Sombke. Bryce and Bryan Sombke were in attendance for this item. Following discussion on Finding of Facts (FoF), Kurth moved, Johnson seconded to **approve the Finding of Facts (FoF)** as presented. Also following Discussion, Kurth moved, Johnson seconded to **approve a Conditional Use Petition (CUP)** to expand the existing hunting lodge 60’ x 40’ in an Agriculture Preservation District (AG-P). All members voting aye, motion carried.
- 4) Variance to Setbacks** in a Highway Commercial District (HC) described as “Goldade Outlot 2” in the NW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5620 E Highway 12, Aberdeen Twp.). Submitted by Jenny Nelson for Sylte Brothers. Rod Tobin was in attendance for this item and handed out a handout to the Board members. Following discussion on Findings of Facts (FoF), Gage moved, Johnson seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, Johnson seconded to **approve a Variance to Setbacks** in a Highway Commercial District (HC) to have a 5’-0” West Side Yard Setback for a new office building. All members voting aye, motion carried.
- 5) Conditional Use Petition (CUP)** in a proposed Commercial District (C) described as Lot 3, “Todd Rosebrock First Subdivision” in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4275 Paper Lane, Aberdeen Twp.). Submitted by Zach Humphries, Fantasyland Properties, LLC. Zach & Emily Humphries & Mike Erickson were in attendance for this item. Mike Erickson voiced concern about water run-off. Following discussion on Finding of Facts (FoF), Meyers moved, Johnson seconded to **approve the Finding of Facts (FoF)** as presented. Also following Discussion, Meyers moved, Johnson seconded to **approve a Conditional Use Petition (CUP)** for open storage of campers, trailers, & some vehicles in a proposed Commercial District (C) with the stipulation that lot build-up be designed to retain water drainage towards Paper Lane R.O.W. All members voting aye, motion carried.

- 6) **Conditional Use Petition (CUP)** in a proposed Commercial District (C) described as Lot 9, “Todd Rosebrock First Subdivision” in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4180 Paper Lane, Aberdeen Twp.). Submitted by Jeff Brockel & Jacob Palmer. Jeff Brockel, Jacob Palmer, & Mike Erickson were in attendance for this item. Mike Erickson voiced concern about water run-off. Following discussion on Finding of Facts (FoF), Gage moved, Kurth seconded to **approve the Finding of Facts (FoF)** as presented. Also following Discussion, Gage moved, Kurth seconded to **approve a Conditional Use Petition (CUP)** for open storage of campers, trailers, & some vehicles in a proposed Commercial District (C) with the stipulation that lot build-up be designed to retain water drainage towards Paper Lane R.O.W. All members voting aye, motion carried.
- 7) **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, “Scarborough Second Addition” in the NW1/4 of Section 22-T121N-R65W of the 5th P.M., Brown County, South Dakota (14520 377th Avenue, New Hope Twp.). Submitted by Anthony & Kelsey Scarborough. No one was in attendance for this item. Following discussion on Finding of Facts (FoF), Gage moved, Keatts seconded to **approve the Finding of Facts (FoF)** as presented. Also following Discussion, Gage moved, Keatts seconded to **approve a Variance to Lot Size** to allow Lot 1 (3.16 acres) to be smaller than the minimum 40.0 acres & remain zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances. All members voting aye, motion carried.
- 8) **Variance to Setbacks** in an Agriculture Preservation District (AG-P) described as The SW1/4 of Section 21-T121N-R63W, except “Criddle’s Outlot 1”, of the 5th P.M., Brown County, South Dakota (14580 390th Avenue, West Rondell Twp.). Submitted by Ross Criddle. David & Ross Criddle were in attendance for this item. Following discussion on Findings of Facts (FoF), Kurth moved, Johnson seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Kurth moved, Johnson seconded to **approve a Variance to Setbacks** in an Agriculture Preservation District (AG-P) to have a 45’-0” West Front Yard Setback for a new house. All members voting aye, motion carried.
- 9) **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as “Inman Irrigation Addition” in the SW1/4 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (421 392nd Avenue S; Bath Twp.). Submitted by Tim Swisher. Tim Swisher was in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, Keatts seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Meyers moved, Keatts seconded to **approve a Conditional Use Petition (CUP)** for up to (4) 60’ x 216’, finished, 7-unit storage buildings in a Heavy Industrial District (H-I), all members voting aye, motion carried.
- 10) **Variance to Setbacks** in a Rural Urban District (R-U) described as Lot 7, Block 2, “Original Plat of Stratford” in the SW1/4 of Section 4-T121N-R62W of the 5th P.M., Brown County, South Dakota (315 Campbell Avenue, Stratford City). Submitted by Amber Crouch. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, Meyers seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, Meyers seconded to **approve a Variance to Setbacks** in a Rural Urban District (R-U) to have a 6’-0” South Front Yard Setback & a 5’4” West Side Yard Setback to bring the house and new deck into compliance. All members voting aye, motion carried.
- 11) **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as The S1/2 of the SE1/4 of Section 5-T128N-R62W of the 5th P.M., Brown County, South Dakota (approx. 29552 101st Street, Liberty Twp.). Submitted by Cole Truebenbach. Cole & Mitchell Truebenbach & Mike & Julie Elsen were in attendance for this item. Following discussion on Finding of Facts (FoF), Johnson moved, Keatts seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Johnson moved, Keatts seconded to **approve a Conditional Use Petition (CUP)** for a

Class B, Concentrated Animal Feeding Operation (2400 head) in an Agriculture Preservation District (AG-P) contingent on the purchase of 5 acres of land from the Elsen's. All members voting aye, motion carried.

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

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, May 20, 2025 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still postponed until further notice, by Ross Aldentaler, Deputy States Attorney.
- I. **New Business:** *Brown County Planning/Zoning Commission as Planning Commission.*
 - 15) **Rezone Petition** for a property described as Lots 1 thru 10, "Todd Rosebrock First Subdivision" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4095, 4185, 4275, 4365, 4395, 4390, 4360, 4270, 4180 & 4090 Paper Lane; Aberdeen Twp.) to be rezoned from Highway Commercial District (H-C) to Commercial District (C). Submitted by Jeff Brockel & Jacob Palmer. Jeff Brockel & Jacob Palmer were present for this item. Following discussion, Gage moved, Johnson seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.
 - 16) **Rezone Petition** for a property described as Lot 1, "Browning First Subdivision" in the SW1/4 of Section 35-T122N-R65W of the 5th P.M., Brown County, South Dakota (14172 378th Avenue; Highland Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Darian Browning. Darian & Dillon Browning were present for this item. Following discussion, Johnson moved, Kurth seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.
 - 17) **Rezone Petition** for a property described as proposed Lot 1, "E. Price Addition" in the NW1/4 of the NW1/4 of Section 23-T121N-R63W of the 5th P.M., Brown County, South Dakota (14510 392nd Avenue; West Rondell Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Edward Price. No one was present for this item. Following discussion, Johnson moved, Meyers seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.
 - 18) **Preliminary Plat** for review purposes on a property described as "Mina Lake Northeast Addition" in the S1/2 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37360 132nd Street; Mercier Twp.). Submitted by Carl Hanson & Roger Feickert. No one was in attendance for this item. Following discussion, Meyers moved, Keatts seconded to **recommend approval of the**

Preliminary Plat to the Board of Brown County Commissioners, all members voting aye, motion carried.

- 19) **Preliminary & Final Plat** for financial purposes on a property described as “DM Smith Addition” in the SE1/4 of Section 12-T122N-R65W of the 5th P.M., Brown County, South Dakota (13761 382nd Avenue; Highland Twp). Submitted by Dan & Michelle Smith. No one was in attendance for this item. Following discussion, Gage moved, Kurth seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 20) **Preliminary & Final Plat** for conveyance purposes on a property described as “Hubert Outlot” in the SW1/4 of Section 19-T128N-R61W of the 5th P.M., Brown County, South Dakota (10374 400th Avenue; Liberty Twp). Submitted by Shirley Owens. No one was in attendance for this item. Following discussion, Kurth moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 21) **Preliminary & Final Plat** for conveyance purposes on a property described as “Leikvold Second Addition” in the SW1/4 of Section 26-T124N-R64W of the 5th P.M., Brown County, South Dakota (38632 129th Street; Lincoln Twp). Submitted by Brody & Brooke Leikvold. Brooke Leikvold was in attendance for this item. Following discussion, Johnson moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 22) **Preliminary & Final Plat** for conveyance purposes on a property described as “E. Price Addition” in the NW1/4 of the NW1/4 of Section 23-T121N-R63W of the 5th P.M., Brown County, South Dakota (14510 392nd Avenue; West Rondell Twp.). Submitted by Edward Price. No one was in attendance for this item. Following discussion, Meyers moved, Johnson seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 23) **Preliminary & Final Plat** for development purposes on a property described as “Scarborough Second Addition” in the NW1/4 of Section 22-T121N-R65 of the 5th P.M., Brown County, South Dakota (14520 377th Avenue; New Hope Twp). Submitted by Anthony & Kelsey Scarborough. No one was in attendance for this item. Following discussion, Gage moved, Kurth seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 24) **Preliminary & Final Plat** for conveyance purposes on a property described as “Pigors Third Addition” in the SE1/4 of Section 27-T122N-R60W of the 5th P.M., Brown County, South Dakota (14053 410th Avenue; East Hanson Twp). Submitted by Chris Pigors. No one was in attendance for this item. Following discussion, Johnson moved, Kurth seconded to **postpone this item until next month**, all members voting aye, motion carried.

II. **Other Business:** None

III. **Motion to Adjourn:** There being no further business before the Planning/Zoning Commission, Keatts moved, Gage seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader