

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY AUGUST 19, 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 Stan Beckler, Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were, James Meyers, Carrie Weisenburger, Dale Kurth, Pat Keatts, Paul Johnson, Stan Beckler-Chairman, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*). David North-Vice Chairman came in late with the meeting in progress. Also, in attendance was Deputy State's Attorney Ross Aldentaler along with staff members, Scott Bader & Chris Anderson.
- III. **Agenda:** After discussion, Keatts moved and Gage seconded to approve the August 19, 2025, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Meyers moved and Weisenburger seconded to approve the July 15, 2025, Planning/Zoning Commission Minutes, all members voted aye; motion carried.
- V. **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 *PERMITS* from the Zoning Office before starting their project if their request is approved. Penalties may be assessed per Ordinance when starting projects without proper permits in place.
- VI. **New Business:** *Planning/Zoning Commission as [Zoning Board of Adjustment \(BOA\)](#)*
 - 1) **Variance for 2 Residences on one parcel** in an Agriculture Preservation District (AG-P) described as Lot 1, "Olson Addition" in the NE1/4 of Section 11-T127N-R63W of the 5th P.M., Brown County, South Dakota (39277 107th Street; Richland Twp.). Submitted by Leo & Tracy Olson. No one was in attendance for this item. Following discussion on Findings 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 the Variance for 2 Residences on one parcel** in an Agriculture Preservation District (AG-P). All members voted aye, motion carried.
 - 2) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Frey's Second Subdivision" in the NE1/4 of Section 24-T126N-R60W of the 5th P.M., Brown County, South Dakota (41169 115th Street; South Detroit Twp.). Submitted by Frey Family Trust. No one was 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 the Variance for Lot Size** to allow proposed Lot 1 (1.00 acre) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Zoning Ordinances. All members voted aye, motion carried.

- 3) **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as the W1/2 of the SE1/4 & the W1/2 of that portion of the NE1/4 lying south of the railroad R-O-W, except highway R-O-W, in Section 18-T123N-R62W of the 5th P.M., Brown County, South Dakota (39456 133rd Street; Bath Twp.). Submitted by Northern Electric Cooperative. Spencer Sommers spoke on this item. Roland Sandmeier, Thomas Ullrich, and Susan Stewart were in attendance for this item. Following discussion on Finding of Facts (FoF), Gage moved, Weisenburger seconded to **approve Finding of Facts (FoF)** as presented. Also following Discussion, Gage moved, Weisenburger seconded to **approve a Conditional Use Petition (CUP)** for a new office building in a Heavy Industrial District (H-I). All members voted aye, motion carried.
- 4) **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as “Siebrecht Substation Addition” in the NW1/4 of Section 11-T123N-R64W, and Lot 1, “NEW Generation Addition” in the SW1/4 of Section 25-T123N-R64W of the 5th P.M., Brown County, South Dakota (421 & 440 135th Street SW; Aberdeen Twp.). Submitted by Robert Gehm. Robert Gehm, Joe Swenson and Blaire Snyder were in attendance for and spoke on 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 two (2) new generators, demo one existing generator, build a new power distribution center, and to use their own property across the road to the north as a temporary staging area with both parcels being in Heavy Industrial District (H-I). All members voted aye, motion carried.
- 5) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, “Lechner First Addition” in the SE1/4 of Section 11-T124N-R64W of the 5th P.M., Brown County, South Dakota (38656 126th Street; Lincoln Twp.). Submitted by Kelan & Patricia Lechner. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, Kurth seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Meyers moved, Kurth seconded to **approve the Variance for Lot Size** to allow proposed Lot 1 (2.50 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Zoning Ordinances, Mike Gage abstained from voting on this item and all other members voted aye, motion carried.

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

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TUESDAY, AUGUST 19, 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.

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

10) Rezone Petition for a proposed 8.01± acre property described as a Lot 1, “Paul Larson First Addition” in the E1/2 of the SE1/4 of Section 6-T122N-R63W of the 5th P.M., Brown County, South Dakota (13653 389th Avenue; Warner Twp.) to be rezoned from Agriculture Preservation District AG-P to Mini-Agriculture District (M-AG). Submitted by Paul Larson. No one was in attendance for this item. Following discussion, Gage moved, Keatts seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voted aye, motion carried.

11) Preliminary & Final Plat for development purposes of a 2.62± acre parcel described as “Prairie Lake Third Subdivision” in the E1/2 of the W1/2 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (37845 Richmond Drive, Ravinia Twp.). Submitted by Andy & Kelli Van Steenwyk. No one was in attendance for this item. Following discussion, Meyers moved, Kurth seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voted aye, motion carried.

12) Preliminary Plat for conveyance purposes of a total of 8.63± acre parcels described as “Keatts Ninth Subdivision” in the W1/2 of the NW1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (37805, 37825, 37827, 37829 Richmond Drive, Ravinia Twp.). Submitted by Pat Keatts. Pat Keatts was in attendance for this item. Following discussion, Kurth moved, Meyers seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, Pat Keatts abstained from voting and all other members voted aye, motion carried.

13) Preliminary & Final Plat for conveyance purposes of an 8.01± acre parcel described as “Paul Larson First Addition” in the E1/2 of the SE1/4 of Section 6-T122N-R63W of the 5th P.M., Brown County, South Dakota (13653 389th Avenue, Warner Twp.). Submitted by Paul Larson. No one was in attendance for this item. Following discussion, Weisenburger moved, Johnson seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voted aye, motion carried.

14) Preliminary & Final Plat for financial purposes of a 1.00± acre parcel described as “Frey’s Second Subdivision” in the NE1/4 of Section 24-T126N-R60W of the 5th P.M., Brown County, South Dakota (41169 115th Street, South Detroit Twp.). Submitted by Mike Frey. No one was in attendance for this item. Following discussion, Meyers moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voted aye, motion carried.

15) Preliminary & Final Plat for conveyance purposes of a 2.50± acre parcel described as “Lechner First Addition” in the SE1/4 of Section 11-T124N-R64W of the 5th P.M., Brown County, South Dakota (38656 126th Street, Lincoln Twp.). Submitted by Kelan & Patricia Lechner. No one was in attendance for this item. Following discussion, Weisenburger moved, Meyers seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, Mike Gage abstained from voting and all other members voted aye with a stipulation that a letter of approval for the proposed approach access be obtained from Lincoln Twp., motion carried.

16) Preliminary & Final Plat for financial purposes of a total of 156.65± acre parcels described as “Gary and Larry Fliehs First Addition” in the SW1/4 of Section 30-T125N-R60W of the 5th P.M., Brown

County, South Dakota (12266 & 12280 406th Avenue; Claremont Twp.). Submitted by Gary Fliehs / Larry & Valerie Fliehs. No one was in attendance for this item. Following discussion, Kurth moved, Keatts seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voted aye, motion carried.

17) Brown County Ordinance Amendment to Title 4 - Wind Energy Systems (WES) discussion.

(This Ordinance was Referred back to Planning Commission from Brown County Commission July 29, 2025, regular meeting). Dawn Shepard, Charmayne Liebelt, Charlotte Liebelt, Robert Johnson, Sandra Tople, Margo Price, and Elisa Sand were present for this item. Dawn Shepard spoke about her concerns with the current draft of the WES ordinance and realized that most of her comments and concerns were already covered in the proposed ordinance and by the State of South Dakota Public Utilities Commission (PUC). Robert Johnson added a few comments about the SD PUC role in a wind farm project. Following further discussion, Meyers moved, Johnson seconded to postpone this ordinance until September 16, 2025, 7:00 pm planning/zoning commission meeting allowing the planning/zoning office to complete some comparisons of the proposed ordinance, Dawn Shepard's concerns, and the Center for Rural Affairs information that was provided by Cora Hoffer. The Center for Rural Affairs is a *"non-profit organization that advocates for policies that strengthen rural communities"*.

18) Brown County Ordinance Amendment to Title 4 - Data Centers (DC) discussion.

(This Ordinance was Referred back to Planning Commission from Brown County Commission July 29, 2025, regular meeting). Dawn Shepard, Charmayne Liebelt, Charlotte Liebelt, Robert Johnson, Sandra Tople, Margo Price, Tim Hanigan, Aberdeen Development Corp. CEO, Rich Ward, and Elisa Sand were present for this item. Dawn Shepard, Tim Hanigan, Rich Ward, and Robert Johnson spoke about the current draft of the Data Centers ordinance. Following discussion, Johnson moved, Weisenburger seconded to postpone this ordinance until September 16, 2025, 7:00 pm planning/zoning commission meeting allowing the planning/zoning office to complete some comparisons of the proposed ordinance, Dawn Shepard's concerns, & Aberdeen Development Corporation (ADC) comments by Tim Hanigan.

III. Other Business: None

IV. Motion to Adjourn: There being no further business before the Planning/Zoning Commission, Weisenburger moved, Kurth seconded to adjourn the meeting, all members voting aye, motion carried.

Minutes submitted by: Planning/Zoning Director Scott Bader