

Marshall County Planning & Zoning
STAFF REPORT
February 6, 2024

OWNER/APPLICANT: Swanberg Construction, Inc., on behalf of BDM Rural Water System, Inc.

PROPERTY DESCRIPTION: E1/2NE1/4NE1/4, Section 9, T127N, R57W

CURRENT & SURROUNDING ZONING: Agricultural (Ag)

REQUEST: The petitioner is asking to construct well number nine 43 feet, and well numbers twelve and thirteen 22 feet from the right-of-way lines, instead of the 60ft requirements, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. This property has been owned by BDM since October 5, 2023.
2. The 3 wells in questions will consist of their own electrical control panels which will be 6 feet tall.
3. According to information provided by the applicant, the well-heads will protrude from the ground 1.5-3'.
4. Well #9 lies South of 107th St. and well #'s 12 & 13 lie West of 427th Ave.
5. Both 107th St. and 427th Ave. are Township roads.
6. A Conditional Use for the construction of the Water Treatment plant was approved conditionally upon the variance and building permit approval on January 23, 2024.
7. Marshall County Ordinance requires that all structures shall be set back not less than sixty (60) feet from all public right-of-ways measured from the road right-of-way.
8. No written comments or objections were received prior to the hearing.
9. Staff Recommendation – **17' variance to the road right-of-way line setback for well #9 and a 38' variance to the road right-of-way line setback for well #'s 12 & 13.**
10. The Board could table, deny or approve the request. If the Board chooses to approve the variance, it could use the following findings, similar to those used in previous approvals of setback requirements in the Ag District.
 - a. The Board has not granted similar right-of-way line variances to Ag lots in the past, when the neighbors had no objections.
 - i. N/A
 - b. The Board would consider approving other similar requests meeting the unique circumstances.

If the Board chooses to deny the variance, it could use the following findings, similar to those used in previous denials of setback variances.

- a. The lot and situation are not so unique to necessitate the relaxation for the setback requirement.
- b. The granting of this variance would confer upon the applicant special privilege denied to others in the Ag District.

Action Item – 17' variance to the road right-of-way line setback for well #9 and a 38' variance to the road right-of-way line setback for well #'s 12 & 13.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on February 6, 2024 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Swanberg Construction, Inc., on behalf of BDM Rural Water System, Inc., has requested a variance to construct a water treatment plant on the property described as the E1/2NE1/4NE1/4, Section 9, T127N, R57W. The well heads are visible above-ground and each well will include its own electrical control panel. The petitioner is asking to construct well number nine 43 feet, and well numbers twelve and thirteen 22 feet from the right-of-way lines, instead of the 60ft requirements, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: January 24, 2024

IT (Jan 24)
NOTICE OF HEARING
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VARIANCE
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stead of the 60ft requirements,
per the Marshall County Zoning
Ordinance.
Erin Collins-Miles, Planning &
Zoning Administrator
Published at an approximate cost
of \$8.99 and can be viewed free
of charge at www.adpublicnotices.com

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: _____

**To: Marshall County Planning and Zoning Commission
PO Box 9
Britton, SD 57430**

The undersigned do hereby request a variance from the Marshall County Zoning Ordinance to build (or set) _____ within _____ of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.

Structure would be located on (legal description): Sec 9, T127N - R57W
along 107th (1 well) and along 427th Ave (2 wells)

Reason: BDM is building a new water treatment plant with 3 wells requiring a Variance. #9 well along 107th will be 76 feet from center of the road, #12 and #13 wells along 427th Ave will be 55 feet from the center of the road.

Applicant Name: BDM Rural Water System, Inc. Phone: 605-448-5417

Address: 705 7th St P.O. Box 49 Britton, SD 57430

Applicant Signature: Roelmy Kapper General Manager

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 1/18/24 Fees (non-refundable): \$150.00 Paid: YES NO

Inspection Report: see staff report

Date of Hearing by Planning and Zoning Commission: _____

Action taken by Planning and Zoning Commission: _____

MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

January 22, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on February 6, 2024 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

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As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 1/22/24:

1. Tyrell & Mary Ellestad – 2106 149th Ave. NW Andover, MN 55304
2. Dennis & Vicki Didreckson – 42654 108th St. Britton, SD 57430
3. Kathryn Buisker – 10126 423rd Ave. Britton, SD 57430
4. Michael & Mona Buisker – 42202 101st St. Britton, SD 57430

MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

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Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator



Calculation of Proposed Project Design Discharge Area Included On their Individual Drawings, Respectively



CONSTRUCTION NOTES

- 1 8" HDPE DR135 100 PSI WATERMAIN, 12' HORIZONTAL, DIRECT BURIAL, DRILL 8" HDPE DR111 22 PSI WATERMAIN.
- 2 8" HDPE DR111 22 PSI WATERMAIN, SEE DETAIL.
- 3 CONNECT TO EXISTING WATERMAIN, SEE DETAIL.
- 4 8" HDPE DR111 200 PSI WATERMAIN.
- 5 CONNECT TO EXISTING WATERMAIN, SEE DETAIL.
- 6 WATER MAIN CONTRACTOR TO VERIFY 2" WATER LINE CONNECTION TO INSTALL SERVICE CONNECTION, COORDINATE WITH OWNER.

EXISTING NOTES

- 1 EXISTING 2" WATER SERVICE LINE.
- 2 EXISTING 8" WATERMAIN.

COORDINATE SYSTEM:
 NAD83(2011), SOUTH DATUM, STATE PLANNING NORTH ZONE, GROUND 12B, US SURVEY FOOT

VERTICAL DATUM:
 NATIONAL GEODETIC VERTICAL DATUM OF 1989 (NAVD 89)

SHEET TITLE: FINISHED WATER PIPELINE - ALTERNATE BIDS

CAD: BDM RURAL WATER SYSTEM, INC.
 SECTION: SOUTH DAKOTA

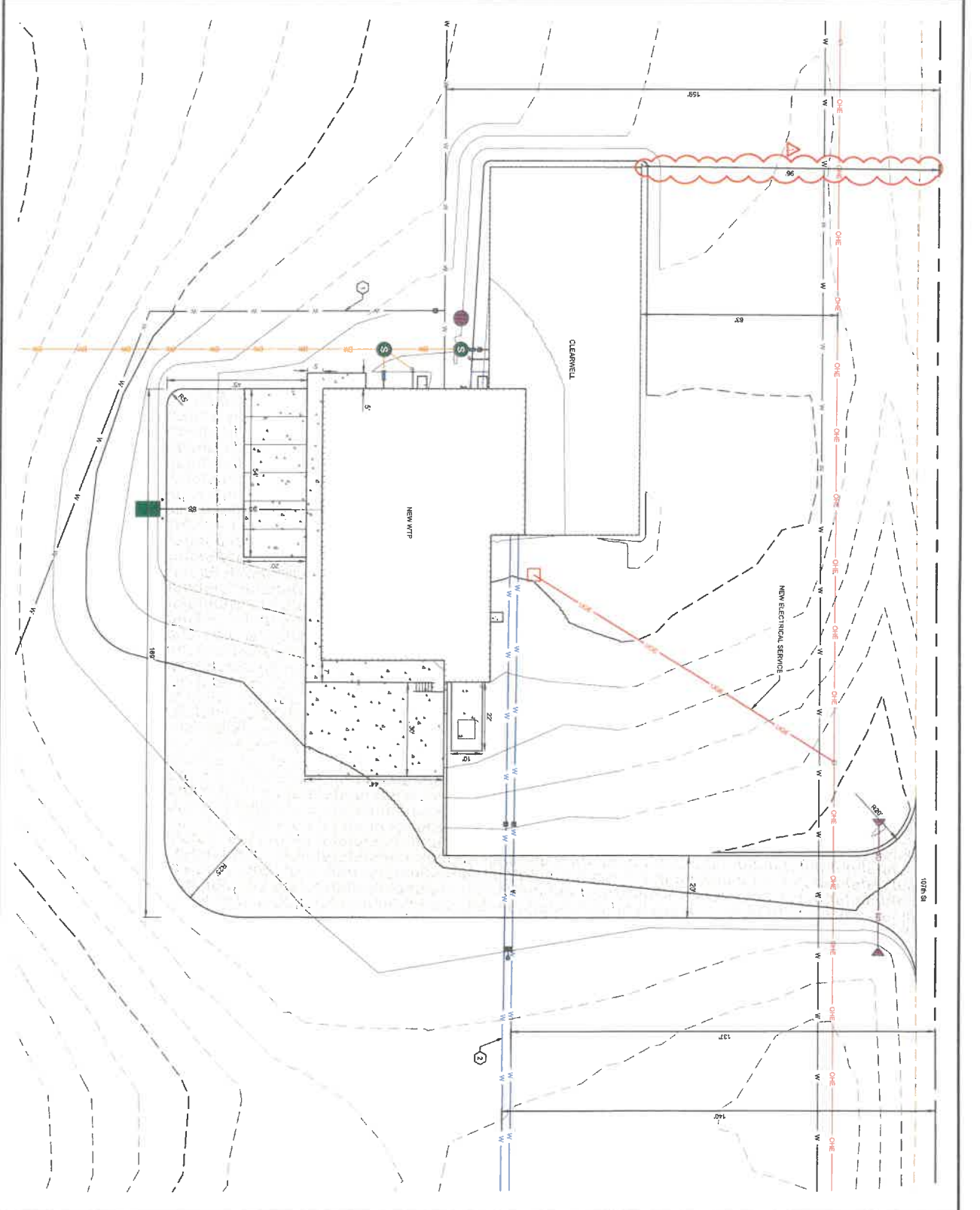
PROJECT NO: P102010-2022-A02
DATE: SEPTEMBER 2022
SCALE: AS SHOWN

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SCALE: AS SHOWN

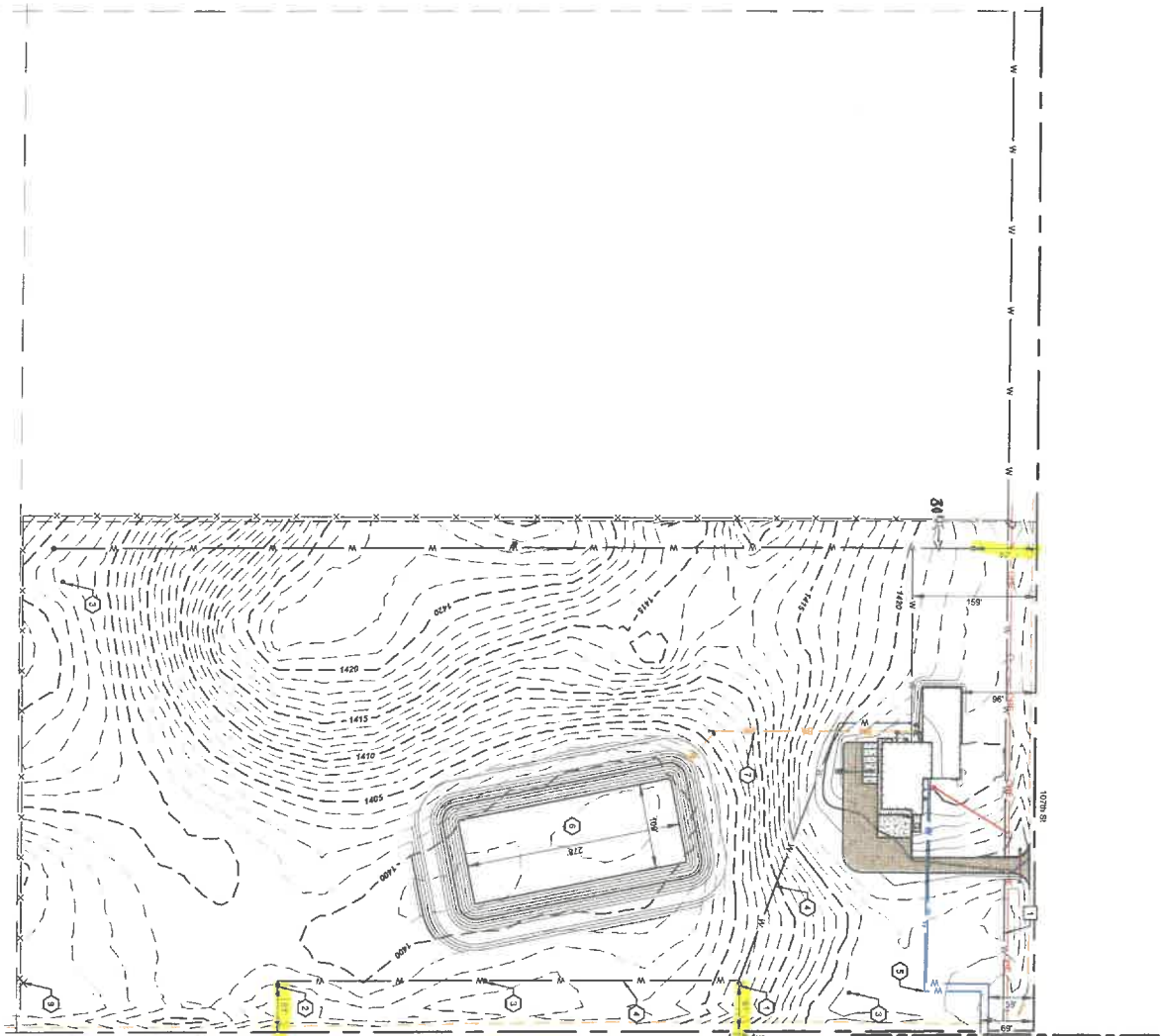
PROJECT NO: WTP2C110-1

BDM 2022 NEW WTP IMPROVEMENTS

STATUS	ISSUED FOR CONSTRUCTION	ERL
SYN	10-16-23	ADDENDUM 1
DATE		APPN



<p>CONSTRUCTION NOTES</p> <ul style="list-style-type: none"> 1. 1/2" HDPE DIRT 13.5' @ 250 PSI WATERMAIN. 2. 8" HDPE DIRT 11.200' @ 250 PSI WATERMAIN. 	<p>COORDINATE SYSTEM: NAD83(2011), SOUTH DAKOTA STATE PLANES, NORTH ZONE GEOID 72B, US SURVEY FOOT</p> <p>VERTICAL DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1988 (NAVD 88)</p>	<p>SITE PLAN - ALTERNATE BIDS</p> <p>CLIENT: BDM RURAL WATER SYSTEM, INC. BERTON, SOUTH DAKOTA</p> <p>PROJECT TITLE: WTP2C103-1</p>	<p>STATUS: ISSUED FOR CONSTRUCTION</p> <p>11-22-23</p> <p>CONFORMED PER ADDENDUM NO. 1</p>	<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>11-22-23</td> <td>ISSUED FOR CONSTRUCTION</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	11-22-23	ISSUED FOR CONSTRUCTION
NO.	DATE	DESCRIPTION								
1	11-22-23	ISSUED FOR CONSTRUCTION								
<p>BDM 2022 NEW WTP IMPROVEMENTS</p> <p>Advanced Engineering and Environmental Services, LLC www.aes2.com</p>			<p>AES</p> <p>Consultation of Professional Project Design Discipline Are Included On This Individual Drawing. (Indicatively)</p>	<p>ERL</p>						



SEE SHEET C110-1 FOR CONTINUATION

GROUND WATER WELLS			
WELL	NORTHING	EASTING	
WLP12	737750.4000	2582082.4300	
WLP13	737170.0200	2582080.4370	

PROJECT TITLE
WELL FIELD LAYOUT - ALTERNATE BIDS

CLIENT
BDM RURAL WATER SYSTEM, INC.
BRIXTON, SOUTH DAKOTA

DATE
18 SEPTEMBER 2023

PROJECT NO.
WTP2C107-1

COORDINATE SYSTEM:
NAD83(2011), SOUTH DAKOTA STATE PLANES, NORTH ZONE, GEOID 12B, US SURVEY FOOT

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1985 (NAVD 85)

CONSTRUCTION NOTES

- WLP12
- WLP13
- TEST WELL
- 8" HDPE DRAIN 150 PSI RAW WATER PIPELINE
- 8" HDPE DRAIN 1200 PSI FINISHED WATER PIPELINE
- 1" PVC SDR 35
- CONTROL POINT: ELEVATION 1403.37'

EXISTING NOTES

- EXISTING 2" WATER SERVICE LINE

STATUS
ISSUED FOR CONSTRUCTION

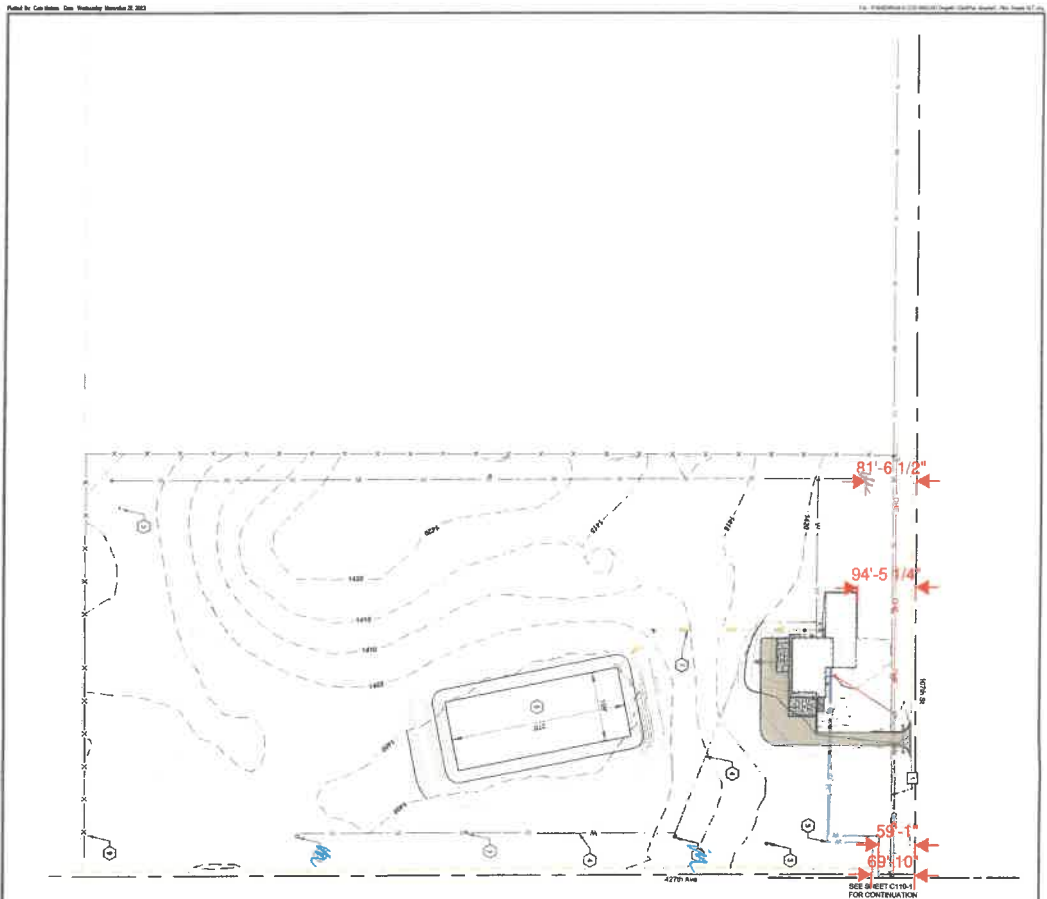
Scale in Feet
0 30

North Arrow
NORTH

AES
Certification of Professional Engineer Discipline Area Included On These Printed Drawings, Respectively

APPROVALS

SYN	DATE	APPR
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GROUND WATER WELLS			
WELL	NORTHING	EASTING	
W102	71753.400	202088.400	
W103	71710.000	202088.400	

WELL FIELD LAYOUT - ALTERNATE BOD
 DATE: 11/11/2022
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: WTP2C107-1

COORDINATE SYSTEM:
 NAD83(11), SOUTH DAKOTA STATE
 PLANES, NORTH ZONE, GRID 12B,
 US SURVEY FOOT
VERTICAL DATUM:
 NATIONAL GEODETIC VERTICAL
 DATUM OF 1988 (NAVD 88)

- CONSTRUCTION NOTES**
1. VERIFY
 2. VERIFY
 3. VERIFY
 4. VERIFY
 5. VERIFY
 6. VERIFY
 7. VERIFY
 8. VERIFY
- EXISTING NOTES**
1. EXISTING PAVED DRIVEWAY

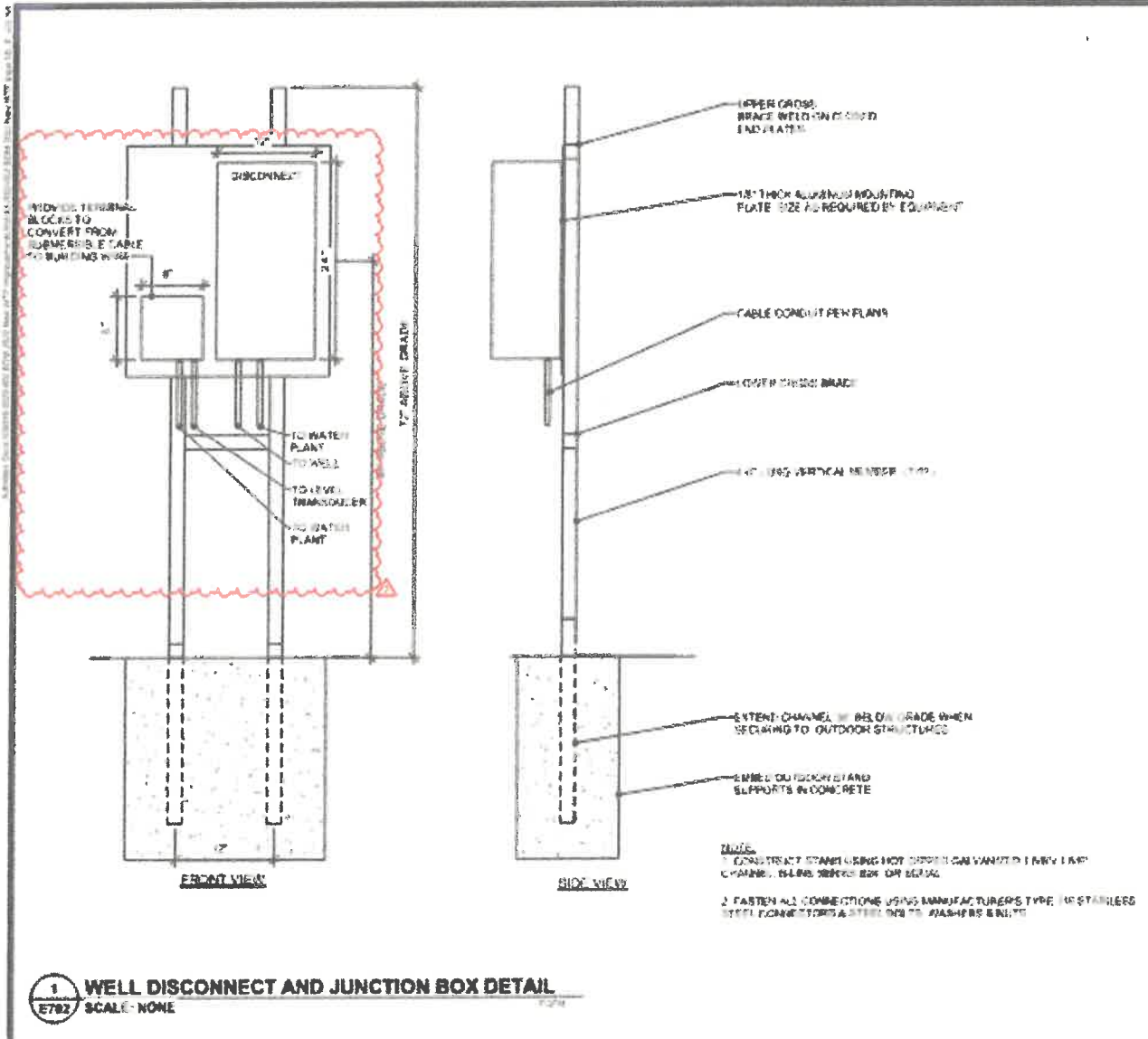
REGISTERED PROFESSIONAL ENGINEER
 ERIC R. LUDSPER
 LICENSE NO. 11222023
 SOUTH DAKOTA

ISSUED FOR CONSTRUCTION

AES
 Advanced Engineering and Environmental Services, LLC
 11222023

Rod Kappes

From: Brian R. Bergantine <Brian.Bergantine@AE2S.com>
Sent: Wednesday, January 17, 2024 2:12 PM
To: Rod Kappes
Subject: Sent from Snipping Tool



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