

April 27, 2017
Davison County Planning & Zoning
Mr. Bathke-

Upon reviewing the most recent proposed changes to the Davison County Zoning Ordinance, we have a few questions that we are hoping to get your feed-back and clarification on.

1.- The existing ordinance presently reads: Page 4- under Definitions:

"Agricultural Use Covenant Running with the Land - An agreement required by ordinance by which parties, hereafter known as grantors acknowledge that adjacent land may be subjected to conditions resulting from agricultural operations. Once executed, said agreement runs with the land and cannot be separated from the land nor transferred without it."

The proposed change for this section reads:

"Agricultural Use and Industrial Development Covenant Running with the Land - An agreement required by ordinance by which the grantee, a United States term in legal conveyancing for the party receiving title or encumbrance, often referring to the purchaser, acknowledges that adjacent land may be subjected to conditions resulting from agricultural operations or industrial development. Once executed, said agreement runs with the land and cannot be separated from the land nor transferred without it."

***Can you please explain the intent and effect of the addition of Industrial Development and the change from 'grantors' to 'grantee' in the verbiage in this section? And specifically, how this impacts equity in the property, and how land rights can be used, transferred or reclaimed?**

*** Also, what does Industrial Development entail: and what conditions might the adjacent land be expected to be subjected to, as a result of Industrial Development? (Industrial Development is not explained in the definitions section of the Ordinance).**

2.- The proposed change for Section 2:17 reads:

Section 2:17. Agricultural Use and Industrial Development Covenant Required - All residential or commercial building permits, plats intended for residential dwellings or commercial use, or requests for rezoning of agricultural land shall be accompanied by an Agricultural Use and Industrial Development Covenant as defined herein. Said Covenant must be approved by the County Zoning Administrator and recorded at the Register of Deeds office in accordance with South Dakota Codified Law prior to issuance of a residential or commercial building permit, approval of the plat, or approval of the rezoning process. A building permit to replace or enlarge an existing residence or commercial building is exempt from this requirement.

***Please also explain the intent and effect of this change to the ordinance.**

We appreciate your time and consideration in addressing our questions and look forward to your insight and response; as we feel a better understanding of the intent of these proposed changes will help everyone concerned to better evaluate the merits.

Respectfully submitted-

Doug & Holly Hansen/ Davison County residents



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