

# DAVISON COUNTY PLANNING AND ZONING

Dan Sudrla  
Zoning Administrator  
200 East 4<sup>th</sup> Ave.  
Mitchell SD 57301

Phone 605 995-8615  
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## Planning Commission Minutes January 11, 2011

1. Called to order by Zoning Administrator Sudrla at 1:15 P.M.
2. Roll call: Present- Bode, Stadlman, Greenway, Kiner, Haines and Zoning Administrator Sudrla.  
Absent- Storm and Weitala  
Guests- Jeff McCormick, Brenda McPeek, Jason Christensen, Don Landon, Russell Weinberg, Travis Hostler and Dale Kroupa
3. Motion by Bode, seconded by Greenway to approve the agenda. All voting aye. Agenda approved as presented.
4. Zoning Administrator Sudrla called for nominations for 2011 Chairperson! Haines nominates Bode. Two more requests for additional nominations by Sudrla. Motion by Greenway to cease nominations and cast a unanimous ballot for Bode, seconded by Stadlman. All voting aye. Bode elected 2011 Chairperson by a unanimous ballot.
5. Zoning Administrator turns the meeting over to newly elected Chairperson Bode.
6. Chairperson Bode called for nominations Vice-Chairperson! Stadlman nominates Haines. Chairperson Bode called for additional nominations two more times. Motion by Greenway to have nominations cease and cast a unanimous ballot for Haines, seconded by Kiner. All voting aye. Motion carried. Haines is the 2011 Vice-Chairperson.
7. Motion by Haines, seconded by Stadlman to approve the minutes from the December 7, 2010 meeting. All voting aye. Minutes approved as presented.
8. That the City of Mt Vernon has appealed to the Davison County Planning Commission to recommend granting a conditional use to construct waste water ponds. This request is pursuant to Section 507.23 or 507.31 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. These ponds will replace the current ponds. The property is legally described as SE¼ Ex Cem & IT A & Ex W675' of the S 925' of Section 15, T 103 N, R 62 W, Mt Vernon Township, Davison County, South Dakota.  
**City of Mt Vernon Conditional use**
  1. A written application for the conditional use is submitted on **December 15, 2010,**
  2. Notice of public hearing was in the Daily Republic the legal newspaper **December 31, 2010.**
  3. The Zoning Administrator notified by mail all owners of abutting property for which action is sought; notice was given to each owner of

record by depositing such notice in the United States Post Office on **December 30, 2010**

4. The notice was posted with a sign as required by the Zoning Ordinance on **December 29, 2010**. The sign was posted on the gate post of the road to the existing ponds
5. Letter of service notifying to the current landowner (**Delores Kroupa**) of the requested action was mailed on **December 30, 2010**.
6. The public hearing was held on **January 11, 2010**. Testimony was taken from the applicant. Jeff McCormick from SPN gave a history of the current waste water ponds and the reason they need replacing. The current ponds will be converted to a wet land and the new ponds will discharge into it. In 2007 the SD DENR inspected the property and determined the ponds were leeching into the ground. A study was conducted to see how much water was going to the ponds and determine when they should have needed discharging. It was determined that the ponds should have needed to be discharged with amount of waste being added and they have never been discharged. In the 2009 a soils investigation was conducted to the North and East side and ground water was too high and the soils were too permeable for the new ponds. The land to the south of the existing ponds was suited for the ponds. Concern was raised, if the new ponds would have the same leeching problem. Mr. McCormick the soils to the south had better less permeable clay to be used in the liner. Bode asked life expectancy of the new pond? It was stated that it is built for 20 years and will last longer with maintenance. How the size of the pond was determined. SPN worked with the City and on possible future growth and current usage of water with expectation of 80% of current water usage will make the pond.

Dale Kroupa indicated he had met with the engineers and did not remember the water table being only 1'(ft) from the surface. If the ponds built to the north of existing there would additional cost to get rid of dirt. Concern raised about drainage from his acreage to the **South** would it be blocked by the construction. The new ponds would be less than 1,000' ft from his home and would prefer it place elsewhere. Concerns that the additional regulation that is brought into everything once the State is involved. The old ponds had additional water from sump pumps and water from man holes and infiltration of the sewer lines to dilute the concentration. Will this have more concentrate waste water, which will increase the odor.

Travis Hostler expressed concern on the water that is discharged into the creek and if it was safe for his nephews to play in without getting sick. Mr. McCormick indicated that after it has been treated in the new ponds and discharged through the old ponds that have been converted to a wetland will be within water quality standards. Mr. Hostler also had concerns the discharged water going by his pond and affecting the results of his monitor wells. Would the city be required to have monitor well. He also expressed concerns on the ½ mile setback he was required to have from a residence which was required for animal feeding operation. Mr. Hostler also indicated that the trees surrounding the old

pond probably increase the leeching with the roots penetrating the dike. He is required to keep his pond free from trees near the pond.

Stadlman asked if any research has been done to determine if there are any drain tile in the area. It had not been done prior to this hearing.

**Public hearing closed by Chairperson Bode at 2:00 P.M.**

Bode asked about the odors from the new pond. Mr. McCormick stated that with additional size and the ability to better treat the waste water should help reduce the affect of that. He also stated that it is a waste water pond and will have odor with the worst being in the spring when the ponds turn, the warmer bottom rising to the top.

It was asked if the city had an easement to enter the property. It was indicated that they owned the land the road is on to the City of Mt Vernon. Stadlman asked if a total containment pond was considered. Mr McCormick indicated it would take a 71 acre pond to accomplish this. Kiner expressed concerns that the drainage be addressed , so as not to block the current flow of water. Mr. McCormick indicated there would drainage planned around the existing and new ponds.

Chairperson Bode asked if the old ponds converted to a wetland would be maintained. Jeff indicated there would be additional expense because wetlands attract wildlife. Haines asked if the plan for the old ponds would provide the proper depth to allow cattails flourish and the representative form SPN stated that it will be designed for that end result.

7. The Planning Commission finds that it is empowered under the Section 1403 A. Conditional Uses of this Ordinance described in the application to recommend approval, approval with conditions, or denial of the conditional use, and that the recommendation will not adversely affect the public interest.

After consideration of all pertinent items of Section 1403 A. Conditional Uses a Motion by Greenway to recommend granting the Conditional Use Permit with the conditions of adhering to all DENR requirements a the drainage plan is approved by adjacent property owner Dale Kroupa

A motion by Stadlman to amend the motion to also require the City of Mt Vernon to provide a monitoring well for their protection, seconded by Kiner

**Roll call vote:** Aye- Bode, Stadlman and Kiner

Nay- Greenway and Haines

Absent- Weitala and Storm

Motion carried to amend original motion to add the condition of a monitor well.

Vote on amended Motion

**Roll call vote:** Aye- Bode, Stadlman, Greenway, Haines and Kiner

Nay- none

Absent- Weitala and Storm

Motion carried to recommend granting the conditional permit for a waste water pond with the conditions of adhering to all SD DENR permitting requirements,

approval by Dale Kroupa of a plan to continue drainage unobstructed from his property and a monitoring well be installed.

9. Misc. None

10. Adjournment 2:45 P.M. by Chairperson Bode

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Zoning Administrator

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## Planning Commission Minutes March 1, 2011

1. Called to order at 1:17 P.M. by Vice-Chairperson Haines
2. Roll call- Present: Haines, Greenway, Stadlman, Weitala and Zoning Administrator Sudrla  
Absent: Storm, Kiner and Bode
3. Motion by Stadlman, seconded by Greenway approve to the agenda. All voting aye. Agenda approved.
4. Motion by Greenway, seconded by Stadlman to approve the minutes from the January 11, 2011 Planning Commission meeting with the correction of Dale Kroupa's. property is located to the South of site. All voting aye. Minutes approved with the correction.
5. Motion by Stadlman, seconded by Greenway to approve A PLAT OF LOT 2-A AND A PORTION OF NATHAN AVE IN THE SOUTH 610.49' OF LOT 2 IN THE SE ¼ OF SECTION 33, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA  
Roll call vote: Aye-Haines, Greenway, Stadlman and Weitala  
Absent- Storm, Kiner and Bode Plat approved.  
Zoning Administrator Sudrla is to report to the Commissioners that the applicant should cooperate with the current home owners along Nathan Ave. on the road maintenance.
6. That James Valley Cycle Club made application on February 11, 2011 change in a condition use permit by changing the hours of operation to 9:00 P.M. 7 day a week. This request is pursuant to Section 507.22 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The applicant and abutting property owners notified by mail on February 18. 2011. The property was posted on February 17, 2011. Notice was in the Daily Republic on February 18, 2011. The property is legally described as Lot A EX the S660' of the E1320' SW¼ of Section 35, T 101 N, R 60 W, Rome Township, Davison County, South Dakota. After receiving testimony from the applicant, positive from an abutting property owner that requested some of the trees be replanted and an E-mail correspondence from Daisy Cole and consideration of 1403 A. Conditional Uses motion by Greenway, seconded by Weitala to recommend granting as applied for.  
Roll call vote: Aye-Haines, Greenway, Stadlman and Weitala  
Absent- Storm, Kiner and Bode Recommend changing hours of operation to 9:00 p.m. as applied for.

7. Information on the vacation of roadways and alleys in Loomis was provided to the Planning Commission by Zoning Administrator Sudrla.
8. Adjournment at 2:00 P.M. by Vice-Chairman Haines.

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## Planning Commission Minutes April 5, 2011

1. Called to order at 1:15 p.m. by Chairperson Bode.
2. Roll call: Present- Bode, Storm, Stadlman, Greenway, Kiner and Zoning Administrator Sudrla  
Absent- Haines and Weitala  
Guests- Paul Rieland, Bryce Havlik and Scott Krueger
3. Motion by Stadlman, seconded by Greenway to approve the agenda. All voting aye. Agenda approved.
4. Motion by Greenway, seconded by Kiner to approve the minutes from the March 1, 2011 meeting. All present voting aye. Minutes approved as presented.
5. Motion by Kiner, seconded by Storm to approve a PLAT OF TRACT 1 OF CENTRAL ELECTRIC COOPERATIVE ADDITION IN THE EAST HALF(1/2) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 28, TOWNSHIP 103 NORTH, RANGE 61 WEST OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA This was contingent on the drainage being approved to the North property owners.  
Roll call vote: Aye- Bode, Storm, Stadlman, Greenway and Kiner.  
Nay- None  
Absent- Weitala and Haines Plat approved.
6. That Bryce & Lisa Havlik made application on March 16, 2011 for a variance in lot size. This request is pursuant to Section 513.3 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property was posted on March 23, 2011 and notice was given to the applicant on March 26, 2011 and notice was in the Dailey Republic on March 18, 20011. The property is legally described as S 55 Rods including the N33' of S940.5' Ex S214.5' of W203.1' & Ex S537.5' of W433.1' of Section 1, T 103 N, R 61 W, Beulah Township, Davison County, South Dakota. After consideration of 1403 B. Variances motion Greenway, seconded by Storm to recommend granting the variance in lot size as applied for.  
Roll call vote: Aye- Bode, Storm, Stadlman, Greenway and Kiner.  
Nay- None  
Absent- Weitala and Haines Variance recommended for approval.
7. Motion by Storm, seconded by Stadlman to approve A PLAT OF B. HAVLIK TRACT 1 IN THE SW ¼ OF SECTION 1, T 103 N, R 61 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA.  
Roll call vote: Aye- Bode, Storm, Stadlman, Greenway and Kiner.  
Nay- None  
Absent- Weitala and Haines Plat approved

8. Motion by Greenway, seconded by Stadlman to approve A PLAT OF LOT 1 OF MT VERNON LAGOON ADDITION IN THE SE ¼ OF SECTION 15, T 103 N, R 62 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA. (With the condition of the drainage issues being addressed in the plan)

Roll call vote: Aye- Bode, Storm, Stadlman, Greenway and Kiner.

Nay- None

Absent- Weitala and Haines Plat approved with condition of drainage from the property to the south unobstructed.

9. Adjournment at 1:40 P.M. by Chairperson Bode.

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## Planning Commission Minutes May 3, 2011

1. Called to order at 7:30 p.m. by Chairperson Bode.
2. Roll call: Present- Bode, Weitala, Stadlman, Haines, Greenway, Kiner, Storm and Zoning Administrator Sudrla  
Absent- none  
Guests- John Sullivan, Rich & Evonne Gerlach, Matt Baker, Ronald Baker, Larry Crane and Beverly Carlson
3. Motion by Stadlman, seconded by Greenway to approve the agenda with the addition of a plat under miscellanies. All voting aye. Agenda approved with the addition.
4. Motion by Greenway, seconded by Haines to Approve the minutes from the April 5, 2011 meeting. All voting aye. Minutes approved as presented.
5. That Ronald Baker made application for a conditional use permit for up to 1498 animal units on April 1, 2011. This request is pursuant to Section 507.3 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. All feeding operations over 499 animals require a conditional use permit. The applicant, abutting property owners, property was posted and notice was in the Daily Republic on April 22, 2011. The property is legally described as SW $\frac{1}{4}$  & W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 19, T 103 N, R 62 W, Mt Vernon Township, Davison County, South Dakota.  
After receiving testimony from the applicant and the public, the Commission considered 1403 A. Conditional Uses, motion by Greenway, seconded by Haines with the condition of complying with Section 517 of the Davison County Zoning Ordinance.  
Roll Call vote: Aye- Bode, Weitala, Stadlman, Haines, Greenway, Kiner and Storm  
Nay- none Conditional use is recommended to be granted with the condition of compliance with Section 517.
6. That Ronald Baker made application on April 1, 2011 a variance in setback to public road right-of-way of 173'(ft). This request is pursuant to Section 517.3F of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 300'(ft) was not met. The applicant was notified, property was posted and notice was in the Daily Republic on April 22, 2011. The property is legally described as W $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 19, T 103 N, R 62 W, Mt Vernon Township, Davison County, South Dakota.  
After receiving testimony from the applicant and the public the Commission considered 1403 B. Variance, motion by Stadlman, seconded by Storm to recommend granting.

Roll Call vote: Aye- Bode, Weitala, Stadlman, Haines, Greenway, Kiner and Storm

Nay- none The variance of 173' from the South R-O-W is recommend to be granted.

7. That Richard Gerlach made application on April 15, 2011 for a variance in lot size for land for a relative to construct a new residence. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 25 acres will not be met. The applicant was notified, property was posted and notice was in the Daily Republic on April 22, 2011. The property is legally described as S $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 17, T 101 N, R 61 W, Tobin Township, Davison County, South Dakota.

After receiving testimony from the applicant and the public, the Commission considered 1403 B. Variance, motion by Stadlman, seconded by Storm to recommend granting with an Ag covenant.

Roll Call vote: Aye- Bode, Weitala, Stadlman, Haines, Greenway, Kiner and Storm

Nay- none A variance for a 10 acres lot size is recommend to be granted with an Ag covenant.

8. That Beverly Carlson made application on April 15, 2011 for a variance in lot size to separate the farmstead or residence from the Ag land. This request is pursuant to Section 513.1 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The proposed site will be approximately 3 acres. The applicant was notified, property was posted and notice was in the Daily Republic on April 22, 2011. The property is legally described as NE $\frac{1}{4}$  Ex lots A, J & W of Section 2, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota.

After receiving testimony from the applicant and the public, the Commission considered 1403 B. Variance, motion by Stadlman, seconded by Storm to recommend granting with condition of Ag covenant and Platting..

Roll Call vote: Aye- Bode, Weitala, Stadlman, Haines, Greenway, Kiner and Storm

Nay- none A variance for a +/- 3 acres lot size is recommend to be granted Ag covenant and Platting..

9. Motion by Weitala, seconded by Haines to approve A PLAT OF LOT B OF L. SULLIVAN'S FIRST ADDITION IN THE NW  $\frac{1}{4}$  OF SECTION 19, T 102 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA

Roll Call vote: Aye- Bode, Weitala, Stadlman, Haines, Greenway, Kiner and Storm

Nay- none Plat approved.

10. Adjournment at 8:40 P.M. by Chairperson Bode.

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## Planning Commission Minutes June 7, 2011

1. Call to order at 7:30 P.M. by Chairperson Bode.
2. Roll call: Present- Bode, Haines, Greenway, Storm, Kiner, Weitala, and  
Zoning Administrator Sudrla  
Absent- Stadlman  
Guest- Kreth
3. Motion by Greenway, seconded by Haines to approve the agenda. All voting aye.  
Agenda approved.
4. Motion by Haines, seconded by Storm approve the minutes from the May 2, 2011  
Planning Commission meeting. All voting aye. Minutes from May 2, 2011  
approved.
5. That Darwin Kreth made application on May 20, 2011 for a variance of 33'(ft) to  
construct a grain bin. This request is pursuant to Section 513 of the Davison  
County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The  
required 75'(ft) of front yard will not be met. The applicant was notified on May,  
20, 2011 and the property was posted by the applicant at least prior to the hearing.  
Notice was in the Daily Republic May 27, 2011. The property is legally described  
as SE¼ of Section 33, T 101 N, R 62 W, Baker Township, Davison County, South  
Dakota.  
After consideration of 1403 B. Variances, motion by Greenway, seconded by  
Haines to recommend granting a variance of 33' (ft) to the East R-O-W to construct  
a grain bin.  
Roll Call vote: aye- Bode, Haines, Greenway, Storm, Kiner, Weitala,  
Absent- Stadlman  
Nay- None A recommendation to grant a variance of 33' to the  
East R-O-W.
6. Plat was not ready for action to be taken.
7. Misc. Discussion on redoing the Comprehensive and Zoning Administrator Sudrla  
to put in the 2012 budget for the additional expense for District III help.

Discussion on bales and other objects near the R-O-W and the need to add the  
restrictions to the Zoning Ordinance to get cooperation. Suggest earlier public  
notice on the issue and a representative from the Dailey Republic suggested a news  
story on the issue. The Board thought this was a great help to get the safety issues  
out to the Public.

8. Adjournment at 8:20 by Chairperson Bode

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## Planning Commission Minutes July 5, 2011

1. Called to order at 7:35 P.M. by Chairperson Bode.
2. Roll call: Present- Bode, Haines, Stadlman, Kiner, Greenway and Zoning Administrator Sudrla  
Absent- Weitala and Storm,  
Guests- Cindy, Amy and Gary Bussmus and Cameron Puepke
3. Motion by Haines, seconded by Stadlman to approve the agenda with the addition of Tract 1 of Bussmus addition. All present voting aye. Agenda is approved.
4. Motion by Greenway, seconded by Kiner to approve the minutes from the June 7, 2011 meeting as presented July 5, 2011. All present voting aye. Minutes from the June 7, 2011 meeting are approved as presented.
5. Motion by Haines, seconded by Kiner to approve A PLAT OF TRIPLE 'D' TRACT 1 IN THE SE ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA.  
Roll call vote: Aye- Bode, Haines, Stadlman, Kiner, Greenway  
Nay- none  
Absent- Storm and Weitala      Plat approved.
6. That Gary F. Bussmus made application on June 1, 2011 for a variance on lot size to provide approximately a 4 acre lot for a family member to construct a residence. The property was posted and the notice was in the Daily Republic on June 24, 2011. The applicant was notified June 24, 2011. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 25 acre lot size will not be met. The property is legally described as the SW of SE ¼ of Section 35, T104 N, R 61 W, Badger Township, Davison County, South Dakota.  
After consideration Section 1403 B Variance motion by Stadlman seconded by Greenway to recommended granting the variance in lot size as applied for with the conditions of Ag-Covenant and platting.  
Roll call vote: Aye- Bode, Haines, Stadlman, Kiner, Greenway  
Nay- none  
Absent- Storm and Weitala      Variance recommend for approval.
7. Motion by Haines, seconded by Stadlman to approve A PLAT OF LOT B OF BEVERLY'S ADDITION IN THE NE ¼ OF SECTION 2, T 102 N, R 60 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA.  
Roll call vote: Aye- Bode, Haines, Stadlman, Kiner, Greenway  
Nay- none  
Absent – Storm and Weitala,      Plat approved.

8. Motion by Haines, seconded by Greenway to approve a PLAT OF TRACT 1  
BUSSMUS FARMS ADDITION, IN THE S.W. ¼ OF THE S.E.1/4 OF  
SECTION 35, T104N, R61W, OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH  
DAKOTA

All present voting aye. Plat approved.

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## Planning Commission Minutes August 2, 2011

1. Called to order by Chairperson Bode at 7:30 P.M.
2. Roll call: Present- Bode, Storm, Stadlman, Greenway, Kiner, Haines and Zoning Administrator Sudrla  
Absent- Weitala  
Guests-Tina Suhr
3. Motion by Haines, seconded by Storm to approve the agenda.  
All present voting aye. Agenda approved as presented.
4. Motion by Stadlman, seconded by Greenway to approve the minutes from the July 5, 2011 meeting. All present voting aye. Minutes from the July 5, 2011 meeting approved.
5. Motion by Greenway, seconded by Haines approve A PLAT OF AMY'S ADDITION, IN THE S.W. ¼ OF THE S.E. OF SECTION 35, T104N, R61W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA  
Roll call vote- Aye: Bode, Storm, Stadlman, Greenway, Kiner and Haines  
Nay- None  
Absent- Weitala Plat approved.
6. Motion by Haines, seconded by Storm to approve A PLAT OF CHAD TRACT 1 IN GOVERNMENT LOT 3 IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 101 NORTH, RANGE 62 WEST OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA.  
Roll call vote- Aye: Bode, Storm, Stadlman, Greenway, Kiner and Haines  
Nay- None  
Absent- Weitala Plat approved.
7. That Thomas and Tina Suhr made application on June 28, 2011 a variance of 36' (ft) to construct a lean-to on an existing building. This request is pursuant to Section 15 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property was posted, notice was in the Daily Republic and the applicant was notified on July 22, 2011. The required 75 will not be met. The property is legally described as the SE Section 33, T101N, R60W, Rome Township, Davison County, South Dakota. After consideration of 1403 B. Variance motion by Greenway, seconded by S to approve a variance of 36' to construct a addition to an existing building.  
Roll call vote- Aye: Bode, Storm, Stadlman, Greenway, Kiner and Haines  
Nay- None  
Absent- Weitala Variance is recommended.

8. Misc Discussion on drainage ordinance.
9. Adjournment at 8:10 P.M. by Chairperson Bode

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Zoning Administrator

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## Planning Commission Minutes September 6, 2011

1. Called to order at 7:30 P.M. by Chairperson Bode.
2. Roll call: Present- Bode, Storm, Stadlman, Greenway, Kiner, and  
Zoning Administrator Sudria  
Absent- Weitala & Haines  
Guests-Florence & Herman Semmler, Flora Semmler and Deono Miller
3. Motion by Stadlman, seconded Greenway to approve the agenda. All voting aye.  
Agenda approved.
4. Motion by Kiner, seconded by Storm to approve the minutes from the August 2,  
2011 meeting. All present voting aye. Minutes approved.
5. That Darrel and Flora Semmler made application on August 11, 2011 for a variance  
of 30' to construct a 12' lean-to on an existing pole shed. The property was posted  
and notice was published in the Daily Republic and the applicant was notified on  
August 26, 2011. The required 75' will not be met. This request is pursuant to  
Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as  
subsequently amended. The property is legally described as Lots A and B Puetz  
Addn. NW ¼ Section 11, T 101 N, R 60 W, Rome Township, Davison County,  
South Dakota After consideration of 1403 B. Variance motion by Greenway,  
seconded by Stadlman to approve a variance of 30' to construct a lean-to to an  
existing building.  
Roll call vote- Aye: Bode, Storm, Stadlman, Greenway and Kiner  
Nay- Weitala and Haines  
Absent- Variance is recommended.
6. That Deono Miller made application on August 23, 2011 a variance in rear yard set  
back of 6.5' (ft) to construct an 11x32 lean-to on an existing pole shed. The  
property was posted and notice was published in the Daily Republic and the  
applicant was notified on August 26, 2011. . This request is pursuant to Section  
613 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as  
subsequently amended. The required 10' (ft) will not be met. The property is  
legally described as Lot 3 of Hanssen's Addn. SE ¼ of Section 15, T 102 N, R  
60W, Prosper Township, Davison County, South Dakota. After consideration of  
1403 B. Variance motion by Storm, seconded by Greenway to approve a variance  
of 6.5' to construct a addition to an existing building.  
Roll call vote- Aye: Bode, Storm, Stadlman, Greenway, Kiner,  
Nay- Weitala and Haines  
Absent- Variance is recommended.

- 7 Misc. Information on the dates of the SDPA Conference of October 26 & 27 was given out by Zoning Administrator Sudrla. Discussion on the new drainage board was held.
- 8 Adjournment at 8:22 P.M. by Chairperson Bode.

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Dan Sudrla CAA  
Zoning Administrator

# DAVISON COUNTY PLANNING AND ZONING

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## Planning Commission Minutes October 4, 2011

1. Called to order at 7:30 p.m. by Chairperson Bode.
2. Roll call: Present-Bode, Haines, Greenway, Weitala, Stadlman, Kiner and  
Zoning Administrator Sudrla  
Absent- Storm  
Guests- Sue Yost, Quinton Shultz, Steve French, Randy Rasmussen,  
Ralph Wallace III, Thom Crane, Deono Miller, Kay French,  
Lonna Miller, Paul Jerke
3. Motion by Haines, seconded by Weitala to approve the agenda. All present voting  
aye. Agenda approved.
4. Motion by Greenway, seconded by Kiner to approve the minutes from the  
September 6, 2011 meeting. All present voting aye. Minutes from the September  
6, 2011 meeting approved.
5. That Jared Storm made application on September 13, 2011 has a variance of 35'  
(ft) in side yard setback. A compost building was constructed that does not meet the  
required 50' (ft) side yard setback. This request is pursuant to Section 515 of the  
Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently  
amended. The property was posted, notice in the daily Republic and the applicant  
was notified of the public hearing on September 23, 2011. The property is legally  
described as the N1/2 of the NW ¼ Section 25, T 101 N, R 61 W, Tobin Township,  
Davison County, South Dakota ex S1/2 E 260' (ft) of NW ½ NW ½ NW ½.  
After consideration 1403 B. Variances and receiving no negative comments from  
the public a motion by Stadlman, seconded by Kiner to recommend a variance of  
35'(ft) so that a compost building that was constructed would be in compliance  
with the Davison County Zoning ordinance.  
Roll call vote: Aye- Bode, Haines, Greenway, Storm, Weitala, Stadlman and Kiner  
Nay- None Motion carried. The variance of 35' is recommended  
to be granted.
6. That Thomas Crane and Randy Rasmussen made application on September 20,  
2011 for a salvage yard. These cars are used for parts for their demolition derbies.  
This request is pursuant to Section 607.33 and 1205 of the Davison County Zoning  
Ordinance as adopted on 4/1/98 and as subsequently amended. The current number  
of unlicensed and inoperable vehicles makes them out of compliance with the  
ordinance. The property was posted, notice in the Daily Republic, the applicant  
and the adjoining property owners were notified of the public hearing on  
September 23, 2011. The property is legally described as Lot B in the SE ¼ Section  
15, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota.

Zoning Administrator Sudrla handed out copies of correspondence that was received for the Committees review. Correspondence against was received from Quiten Shultz, Dale and Paula Moke, Susan and Delwin Yost. A petition that was signed by 10 neighbors that was opposed for the following reasons: devaluation of property, traffic, noise, visual and environmental pollution and rodent population..

The applicant Randy Rasmussen spoke and explained that what the 15-20 cars on the site where used for. They are parts cars or replacement cars for doing demolition derby. The parts are not available in parts houses and he has collected them over the years to continue to demolition derby. As owner of the said property Thomas said he did know of the regulations. Paul Jerke spoke that he is to blame for what is happening to a friend. He has known Randy forever and did not want Randy blamed for his actions.

Quentin Shultz spoke of the activities that go on at all hours of day or night and how his family has been involved in the area and would like it to be the quite residential neighborhood it was originally.

Susan Yost showed photos from the past that there is a rubble pile that also could have rodents in it. She indicated this has been a problem and she has complained for years and has not received relief as this got progressively worse.

Ralph Wallace III present a South Dakota law that was part of the Yost letter SDCL 30-30-1 which makes it against the law to have a salvage yard within 1000' of a primary State highway system. He also wondered what we doing here in-light of that information. Commissioner Kiner brought that here lots of permits from the state to have a salvage yard.

Bode closed the public hearing at 8:15 to continue the discussion with the board. It was questioned whether Zoning Administrator Sudrla guided to them incorrectly to a conditional use for a salvage yard. It did not appear that 20 cars would use 7,500 sq.ft. and whether they should be refunded their application fee. Sudrla explained as far as he knew the only way he could keep the cars at this location if he got a conditional use permit for a salvage yard otherwise they all had to go. There was a request by Haines to possibly have the application withdrawn and head in a different direction. They are doing to continue on in the process.

After consideration of 1403 A. Conditional Uses and testimony from the applicant/property owner that would like to maintain the vehicles. They received written and orally presented against the permit being granted for the following reasons- devaluation of property values, visual and environmental pollution, traffic, rodent population and the desire clean quite neighborhood request the application is denied. The State Law also prevents a salvage yard at this location.

After consideration of all the testimony presented a motion Weitala, seconded by Greenway to recommend denial of the conditional use permit request for a salvage yard.

Roll call vote: Aye- Bode, Haines, Greenway, Weitala, Stadlman and Kiner  
Nay- None Absent- , Storm, Motion carried.

7. Zoning Administrator Sudrla handed out agenda and registration form for the South Dakota Planners Association Conference held October 26<sup>th</sup> and 27<sup>th</sup> at the Crossroads Hotel in Huron South Dakota.
  
8. Adjournment

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## Planning Commission Minutes November 1, 2011

1. Called to order at 7:30 P.M. by Chairperson Bode.
2. Roll call: Present-Bode, Storm, Stadlman, Greenway, Kiner, Haines and Zoning Administrator Sudrla  
Absent- Weitala  
Guests- Jodi Doering, Jen and Ryan Jensen
3. Motion by Haines, seconded by Greenway to approve the agenda as presented. All present voting aye. Agenda approved.
4. Motion by Stadlman, seconded by Storm to approve the minutes from the October 4, 2011 meeting. All present voting aye. October 4, 2011 minutes approved.
5. That Ryan Jensen (Mark Meier, property owner) made application on September 30, 2011 for a variance in lot size of 18 Acres to create a 7 acre lot to be able to construct a new residence in the agriculture zoned district. This request is pursuant to Section 513 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 25 acres will not be provided. The property was posted, applicant notified and the notice of the hearonr was in the Daily Republic on October 21, 2011. The property is legally described as the N100 Rod's less N40 Rod's. NW ¼ of Section 15, T 103 N, R 62 W, Mt Vernon Township, Davison County, South Dakota.  
After consideration of Section 1403 B. Variances a motion by Greenway, seconded by Kiner to recommend granting a variance of 18 acres to create a 7 acre lot that a residence can be constructed on.
6. Roll call vote: Aye- Bode, Storm, Greenway, Kiner, Haines  
Absent- Weitala  
Nay- Stadlman The variance is recommended to be granted.
7. A discussion on the developing of a new comprehensive plan for Davison County. District III will be drafting with public input and to the vision provided by Davison County Planning Commission and Davison County Commission with consideration and or cooperation with the City of Mitchell. After a conference call with Brian McGinnis with District II, November 17, 2011 at 1:30P.M. is selected as the first Planning Commission Meeting to work on the new comprehensive plan.
8. Misc. – The South Dakota Planners Association conference was discussed with the members who attended giving their thoughts on it. All who attended thought it was interesting and a beneficial conference.
9. Adjournment at 8:30 P.M. by Chairperson Bode.

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Planning Commission Minutes  
Davison County Comprehensive Plan  
November 17, 2011

1. Call to order by Chairperson Bode at 1:30 P.M.
2. Roll call: Present – Bode, Kiner, Storm, Stadlman, Brian McGinnis from District III and Zoning Administrator Sudrla  
Absent- Haines, Greenway and Weitala **(No Agenda sent by Administrator, Sorry)**
3. Motion by Stadlman, seconded by Storm to approve the agenda. All voting Aye Agenda approved.
4. Begin the process of developing a new comprehensive plan with Brian McGinnis from District III Planning District. Mr. McGinnis gave a brief history of the Davison County Comprehensive Plan history that he was familiar with it. He gave a how and why for the comprehensive plan. To start the process a questionnaire was handed out to members present. It was decided to send to and solicit information from the following individuals and organizations and government entities.
  - a. County Commission
  - b. Planning Commission
  - c. County health nurse
  - d. Sheriff Miles
  - e. OEM Montgomery
  - f. Highway Rusty
  - g. Director of Equalization
  - h. Realtor association President
  - i. 12 Township Clerks
  - j. Mt Vernon Finance Officer Brenda McPeek
  - k. Ethan Finance Officer Sonja Hespel

The requested date for the questionnaire to be returned is December 16, 2011. These are to be returned to Zoning Administrator Sudrla.

5. The time and date of the next meeting will be at 10:30 A.M. on January 10, 2012 to present the results of the survey to the County Commission. This meeting will be with Commissioners and also explain the why of a comprehensive. The Planning Commission will continue to work on the plan at their regular scheduled meeting at 1:15 P.M. as time allows.
6. Adjournment

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## Planning Commission Minutes December 6, 2011

1. Called to order at 1:15 P.M. by Chairperson Bode
2. Roll call: Present- Bode, Weitala, Storm, Kiner Haines, Stadlman (arrived during item 7) and Zoning Administrator Sudrla  
Absent- Greenway  
Guests- Robert Sopher (Knife River Midwest), Sharon and Jerry Constant, Jerry Buchholz, Ryan Jensen and Highway Superintendent Weinberg.
3. Motion by Weitala, seconded by Haines to approve the agenda. All voting aye. Agenda approved.
4. Motion by Storm, seconded by Kiner to approve the minutes from the November 1, 2011 meeting. All voting aye. Minutes approved.
5. Motion by Haines, seconded by Storm to approve the minutes from the November 17, 2011 meeting. All voting aye. Minutes approved.
6. Motion by Haines, seconded by Weitala to approve A PLAT OF M.A. MEIER TRACT 1 IN THE NORTH 100 RODS OF THE NW ¼ LESS THE NORTH ½ OF THE N ½ OF THE NW ¼ OF SECTION 15, T 103 N, R 62 W OF THE 5<sup>TH</sup> P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H-1.  
Roll call vote: Aye- Haines, Kiner, Storm, Weitala and Bode  
Nay- Stadlman  
Absent- Greenway Plat Approved.
7. That Knife River Midwest LLC made application on October 31, 2011 for a temporary conditional use permit for a concrete batch plant for the next two construction seasons. This request is pursuant to Section 607.34 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. This will be used to reconstruct the west bound lanes of Interstate 90 in 2012 and the east bound lanes in 2013. A letter of service was sent to the current owner, applicant was notified by mail and E-mail, the abutting property owners were notified and the property was posted on November 23, 2011. Notice was provided in the Daily Republic November 25, 2001 The property is legally described as NW¼ Ex lots H1, A and B and C of Section 27, T 103 N, R 61 W, Beulah Township, Davison County, South Dakota. Robert Sopher project manager for Knife River gave a overview of the project and answered questions and addressed the following items. All state permits are in the process of being acquired (storm water), the site reclamation agreement with the land owner, project is bonded, all haul roads will have a maintenance agreements with the majority of hauling on state roads using a approach directly from I90 or from I90 ramps, dust and noise issue has not been issue with water trucks provided as needed, the project should be completed in 100 to 110 days and is required to be open for traffic on November 1 both years. Jerry Constant expressed concerns on noise dust and signage for his business. The south winds made him lose business during the construction of the Central Electric project this year. He also asked if an alternate site picked if this

was not approved. The response to this was that this is the only site selected. After consideration of information provided by the applicant and concerns from abutting property owners that were answered to the boards satisfaction and consideration of 1403 A. Conditional Uses of the Davison County Zoning Ordinance item 7 a-h, a motion by Storm, seconded by Kiner to recommend granting the conditional use for a temporary cement batch to used for reconstruction of I90 over the next 2 years.

Roll call vote: Aye- Haines, Kiner, Storm, Stadlman, Weitala and Bode

Nay- None

Absent- Greenway Conditional use is recommended to be granted.

8. That Florence Erpenbach made application on November 15, 2011 variance in lot size of 20 acres to create a 5 acre lot for a family member to construct a residence. The property was posted and applicant notified by mail on November 23, 2011. Notice was in the Daily Republic on November 25, 2011. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 25 acres will not be provided. The property is legally described as NE $\frac{1}{4}$  Ex Erpenbach Tract I of Section 25, T 101 N, R 61 W, Tobin Township, Davison County, South Dakota.

After consideration of Section 1403 B Variances with the conditions of platting and Ag-Covenant motion by Haines, seconded by Storm to recommend grating the variance as applied for.

Roll call vote: Aye- Haines, Kiner, Storm, Stadlman, Weitala and Bode

Nay- None

Absent- Greenway Variance is recommended to be granted

9. That Ronald and Steven Potas made application on November 21, 2011 a variance in lot size to separate the farmstead from the Ag land. This request is pursuant to Section 513.1 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property was posted and applicant notified by mail on November 23, 2011. Notice was in the Daily Republic on November 25, 2011. The property is legally described as NW $\frac{1}{4}$  of Section 26, T 102 N, R 61 W, Lisbon Township, Davison County, South Dakota.

After consideration of Section 1403 B Variances with the conditions of platting and Ag-Covenant motion by Haines, seconded by Storm to recommend grating the variance as applied for.

Roll call vote: Aye- Haines, Kiner, Storm, Stadlman, Weitala and Bode

Nay- None

Absent- Greenway Variance is recommended to be granted

10. Misc.