



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES
May 2, 2017

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Charles Storm, Lewis Bainbridge, Kim Weitala, Brenda Bode, Jeff Bathke, Mark Jenniges.
 - Absent:
 - Guests: Wande Kobes, Jerry Wadleigh, Darlene Wadleigh, Ken Stach, Lila Stach, Dan & Dawn Weiss, Kim Lorang, Jerry Scott, Mike Anderson, Gerald Tilberg, Robert Novotny, Doug Hansen, Holly Hansen, Gene & Denise Stehly, Chuck Mauszycki, Jack Anderson, & Gregg Bult.
3. Approve the agenda.
 - Motion by Kim Weitala, seconded by Charles Storm, to approve the agenda. All members voted aye, motion carried.
4. Approve the April 4, 2017 Minutes.
 - Motion by Steve Thiesse, seconded by Brenda Bode, to approve the April 4, 2017 minutes. All members voted aye, motion carried.
5. That Robert Novotny has appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 62 feet, resulting in a setback of +/- 13 feet from the right of way and a side yard setback of +/- 3 feet, resulting in a setback of +/- 7 feet from the property line, where the front yard setback requirement is 75 feet and the side yard setback requirement is 10 feet in the Agricultural Residential District.
 - This request is pursuant to Section 613 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots 1 & 2 of River Front Estates located in the SE 1/4 of Section 25, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. Jenniges did receive a call from Jim River Ridge Farms LLP with concerns of not being able to get his combine down the Wagon RD and after explaining that Novotny is not coming any further east than his current garage, he had no problem with it. He thought the set back was going to be from the middle of the road, not from the property line. Matt Christopherson sent an email in full support of the variance.
 - The applicant was present to answer questions. Discussion included that the garage is on the edge of a hill and that it is also just out of the floodplain. The road it is on continues to a dead end at Matt Christopherson's residence.
 - After consideration of 1403-B Variance, motion by Gary Stadlman, seconded by Lewis Bainbridge, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,

Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.

6. That Dan Weiss has appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 25 feet, resulting in a setback of +/- 50 feet from the right of way where the setback requirement is 75 feet in the Agricultural District.

- 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 the E385' of the S535' in the SE 1/4 of Section 19, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There were no phone calls or emails for or against this request from the neighbors.
- The applicant was present to answer questions. Discussion included that the plan is to build a 38' x 80' shed. Dan has taken out some trees in this location already and it is a good spot on his land for it. The land slopes to the west so he doesn't have much flat land to build on without bringing in a bunch of fill. This doesn't create a hazard for traffic or snow accumulation.
- After consideration of 1403- B Variance, motion by Charles Storm, seconded by Kim Weitala, to recommend approval of the Variance with an Ag Covent to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.

7. That Dan Stolp has appealed to the Davison County Planning Commission to recommend granting a variance in lot size of +/- 19.482 acres to create a lot size of +/- 5.518 acres, where the minimum lot size requirement is 25 acres in the Agricultural Residential District.

- This request is pursuant to Section 616(4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. Upon platting, the property will be legally described as Lot 1 of Stolp Addition in the West 1/2 of the NW 1/4 of Section 23, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Administrator Bathke gave an explanation of the application, required notifications, and the GIS view. There were no phone calls or emails for or against this request from the neighbors.
- The applicant was present to answer questions. Discussion included that Dan plans to fix up the house for his daughter to live in. The house is located in a floodplain and he cannot acquire a building permit, but remodeling the existing house would not require one. FEMA is working on re-mapping the floodplain and could take 5 to 7 years for the process to be over. Some will come out and some will go in and FEMA currently has no base flood elevation for this area. Dan plans to leave the rest of the land for farm ground.
- After consideration of 1403- B Variance, motion by Gary Stadlman, seconded by Steve Thiesse, to recommend approval of the Variance with an Ag Covent to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.

8. Considered a Plat of Lot 1 of Stolp Addition in the West 1/2 of the NW 1/4 of Section 23, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Dan Stolp.
 - Deputy Administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions.
 - Commissioner Stadlman is concerned about future development of the rest of the parcel and would like to see a service road for such and thinks there needs to be a service road easement on this plat for possible future development.
 - Bathke stated he would check with SPN, DOT, and Davison County States Attorney for recommendations on the service road. Bathke stated the board could make a motion to the County Commission for a service road easement and that County Commission can make the final decision, but by making the motion it would not be tabled and would give enough time to get recommendations of those needed.
 - Motion by Gary Stadlman, seconded by Brenda Bode, to recommend approval of the plat to the County Commissioners with the a service road easement running north and south along Hwy 37. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
9. Considered a Plat of Plat of Lot 1 of LGS Acres Addition in the North 1/2 of Section 27, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Ron Scheich.
 - Deputy Administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Ron stated the reason for doing this is they are in the process of dissolving Scheich Legacy. It is an odd shaped plat but this way Ron can keep the trees which is a great hunting spot.
 - Commissioner Bode was concerned about having enough access to the trees running north and south, to which Ron said he left enough room for maintenance.
 - Motion by Charles Storm, seconded by Kim Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
10. Considered a Plat of A Plat of Lot A of Leo's Legacy Addition in the NE 1/4 of Section 27, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Len Scheich.
 - Deputy Administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Again the reason for doing this is they are in the process of dissolving Scheich Legacy
 - Motion by Steve Thiesse, seconded by Charles Storm, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
11. That Kim Lorang has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for storage units for rent in Lot A EX Thomas Tract 1 & Lot B, EX E275' of S233' & EX E200' Less S233' Thereof Sub of NE

1/4 & that portion of SE 1/4 lying N of RR ROW of Section 21, T 103 North, Range 62 West of the 5th P.M., Davison County, South Dakota.

- This request is pursuant to Section 507 (34) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.
- Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. No phone calls or emails for or against on this request.
- The applicant was present to answer questions. Discussion included that Kim plans to develop the whole parcel into rental units and has a master plan of the area including access roads. He has taken into consideration where and how he will drain the parcel. There will be one building built at this time, with more in the future.
- After consideration of 1403-A Conditional Use motion by Lewis Bainbridge, seconded by Gary Stadlman, to recommend approval of the Conditional Use to the Board of Adjustment with the following condition(s): None. Roll call vote: Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.

12. That Kim Lorang has appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 60 feet, resulting in a setback of +/- 15 feet from the right of way and a side yard setback of +/- 35 feet from the E275' of the S233' of Lot B, EX the E273' of the S170' & EX the E200' of the S233' less the S170' being a SUB of the NE 1/4 & that portion of the SE 1/4 lying N of the RR ROW of Section 21, T 103 North, Range 62 West of the 5th P.M., Davison County, South Dakota, resulting in a setback of +/- 15 feet from the property line, where the front yard setback requirement is 75 feet and the side yard setback requirement is 50 feet in the Agricultural District.

- 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 Lot A EX Thomas Tract 1 & Lot B, EX E275' of S233' & EX E200' Less S233' Thereof Sub of NE 1/4 & that portion of SE 1/4 lying N of RR ROW of Section 21, T 103N, R 62 W of the 5th P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There were no phone calls or emails for or against.
- The applicant was present to answer questions. Discussion included the reason Kim is requesting the variance is because he plans to build access roads on the property, with the first one being north of the proposed building. The existing setbacks do not allow for an apron on the north side of the building. He is requesting setbacks that allow maintenance around the building. He owns the parcel to the east but that is in the city limits so he can't join the two parcels unless he annexes or de-annexes one of the parcels.
- After consideration of 1403-B Variance, motion by Steve Thiesse, seconded by Charles Storm, to recommend approval of the Variance to the Board of Adjustment. Roll call vote: Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.

13. Considered the naming of Sara Avenue as requested by Maui Farms Inc.
- Deputy Administrator Jenniges gave an explanation road.
 - The applicant was present to answer questions. The LEPC has not had an official meeting to vote on the name of the road, however all were contacted and if anyone had any issues or concerns with it they were to email back and no emails were received. This is a unique road name and does not appear anywhere else in the county. If further developed it would run south and be east of Sam Street or connect somehow to Sam Street (which would require a road name change). No overall master plan was presented for this area.
 - Motion by Kim Weitala, seconded by Brenda Bode, to recommend approval of the road to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
14. Considered a Plat of A Plat of Lot 6-A of North Maui's First Addition and Sara Avenue, a Subdivision of Lot 4 in the East 1/2 of the West 1/2 of Section 31, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Maui Farms Inc.
- Deputy Administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat is located within 3 miles of the city which requires this to be heard by both the county and city. This passed city council unanimously.
 - Motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
15. Considered changes to the Davison County Zoning Ordinance.
- Administrator Bathke gave an explanation of the process so far and explained any changes to the original draft of the revised ordinance.
 - Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the proposed Davison County Zoning Ordinance changes with the exception of Section 3:11 and Section 9:09 to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
 - Chairman Haines opened the floor up for discussion, starting with the board.
 - i. Bainbridge said the decision on WES needs to be on facts, not opinions. He does not want to rush into a decision and there is still a process in place if someone does apply for a CUP on WES.
 - ii. Bode sees a lot more information coming to light within the next 6 months from the state, and other states such as Iowa.
 - iii. Weitala agreed it needs to be facts and not feelings or emotions. Believes the board has received valuable input and would like to err on the side of caution at this time.
 - iv. Stadlman is still educating himself on WES and doesn't want to push a WES ordinance without having all the facts. He thinks whenever an application does come to the table it needs to be for a WES with the most advance technology there is at the time of the application.

- v. Haines believes these have been good meetings, everyone has been respectful of each other, good sharing of ideas and can tell people have done a lot of research. He thanked the community and encourages more emails and that the process of the WES research will continue.
- Chairman Haines opened the floor up for discussion from the public.
 - i. Jerry Wadleigh believes the proposed WES is too close to his farm. There is no reason for WES to be in Davison County, they should be in Wyoming where it is more open. He feels the board is just trying to delay the WES part of the ordinance so the residents loose interest and will not be there to oppose them anymore. The money needs to be shared.
 - ii. Ken Stach agreed facts are hard to find. He spent 60 hours a week looking for third party objective facts. Having a ½ mile or 1 mile setback would not exclude WES in Davison County, waivers could be signed that would offer compensation to neighbors.
 - iii. Doug Hansen thanked the board for their efforts and believes it is a complex subject and taking more time to get it right is a good decision. Encourages board members to visit with more people like Peter Licht and Travis Krumveity that have towers close to their properties. Davison County is a unique county that is small but densely populated. Short setbacks disrupt neighbor rights and their way of life. WES is not about revenues and he is glad the Commission has not seen this as a revenue stream.
 - iv. Rex Balcom has no fault with hog farms because no one else pays for them where as WES will not survive on its own. Prevailing Winds project said there would be lots of money, but the government took half off the top. WES are all about the money for someone.
 - v. Jack Anderson wondered how long the tower that was erected by Juhl Energy was going to be up or if he needed to go out there with a bomb to take it down.
 - vi. Gene Stehly commended the board for talking to first hand people that have experience with WES. Believes if the board is in need of more research just ask anyone of the people in the crowd that have spent a lot of hours researching the WES, any of them would be happy to help or give web sites to where they obtained the information. White Lake School got a net tax gain of zero from WES. A tower would generate \$1,000 for the county each year and that won't make a dent in the schools or county budget. There are other ways to obtain taxes in our county. The PUC is currently deliberating a complaint on Juhl Energy in which they are using Davison County Wind Project which was a denied project. They are trying to force Northwestern Energy to buy at a rate of \$60/MW whereas Northwestern Energy as a coop has a rate of \$24/MW. According to Mr. Stehly, Corey Juhl testified the Davison County project would be done by mid-2018.
 - vii. Jerry Scott has no fault with the Commission for wanting facts but he has a hard time believing the emails that he sends are being seen by the Commission (all emails received are uploaded to the County website).

Germany has 7,000 turbines and there is a lot of information not being told about them. Wind is still a variable, it's not always there. He believes there should be a real estate property agreement with neighbors.

viii. David Shelton representing Rolland Johnson thanked the Commission. Mr. Johnson was originally offered the WES for Davison County and his job was to look at it from an economical and environmental stand point and it did not pass the test. He believes it will cost neighbors more by having a WES. He will make his findings available to everyone. He was recently in Chaska, MN and there was a Facebook Live video from Sheer Wind that can harvest energy at 2 mph and they have test sites all over the world.

- Hearing no more input from the public, Chairman Haines closed the floor and thanked them for their input and thoughts.

16. Set date and time or next meeting – June 6, 2017 @ 7:00 P.M.

17. Adjournment @ 9:09 P.M.

Bruce Haines
Planning Commission Chairman



Mark Jenniges
Deputy Director of Planning & Zoning