



Davison County Planning & Zoning and Emergency Management

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PLANNING COMMISSION MINUTES JANUARY 14, 2014

1. Call to order at 1:17 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Brenda Bode, Steve Thiesse, Jeff Bathke, and Nathan Wegner
 - Absent: Chuck Storm, Denny Kiner
 - Kim Weitala arrived at 1:40 PM
 - Guests: Kim Lorang, Matthew Thomas, Brian Hellman, Michelle Hellman, and Melanie Mullenmeister
3. Election of 2014 Planning Commission Officers
 - Administrator Bathke called for nominations of Chairman. Brenda Bode nominated Bruce Haines, Gary Stadlman seconded the nomination. Steve Thiesse ceased nominations and Bruce Haines was unanimously voted as Chairman.
 - Administrator Bathke called for nominations of Vice Chairman. Brenda Bode nominated Gary Stadlman. Bruce Haines seconded the nomination. Steve Thiesse ceased nominations and Gary Stadlman was unanimously voted as Vice Chairman.
4. Approve the agenda
 - Motion by Brenda Bode, seconded by Steve Thiesse to approve the agenda. All members voted aye, motion carried.
5. Approve the December 3, 2013 Minutes
 - Motion by Gary Stadlman, seconded by Brenda Bode to approve the December 3, 2013 minutes. All members voted aye, motion carried.
6. That Scott and Melanie Mullenmeister have appealed to the Davison County Planning Commission to recommend granting a variance in lot size of 20.36 +/- acres to create a lot size of 4.64 +/- acres. The minimum lot size is 25 acres in the Agriculture 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. The property will be legally described as Lot 2 of Georgella Second Addition in the NW ¼ of the NE ¼ of Section 24, T 103 N, 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 responses from those notified.
 - The applicant was present to answer questions. Discussion included whether the road leading to the applicant's land was private or public, which the Commission was informed it was private, as shown on the plat. There was also discussion about the distance the lot will be from the river, to consider septic setbacks. The Zoning Ordinance was reviewed to determine the lot would have sufficient distance for a septic drain field.
 - After consideration of 1403B-Variations, motion by Gary Stadlman, seconded by Steve Thiesse to recommend approval of the variance to the Board of Adjustment. All members voted aye, motion carried.

7. Approve a Plat of Lot 2 of Georgella Second Addition in the NW ¼ of the NE ¼ of Section 24, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Scott & Melanie Mullenmeister.
 - Administrator Bathke gave an explanation of the plat.
 - The applicant was present to answer questions. Considering the Commission just voted on the Variance, there was no further discussion.
 - Motion by Brenda Bode, seconded by Steve Thiesse to recommend approval of the plat to the County Commissioners; with an Agriculture Covenant as the property is in the Agriculture Residential (AR) District. All members voted aye, motion carried.
8. That Matthew Thomas has appealed to the Davison County Planning Commission to recommend granting a variance in lot size of +/- 22 acres to create lot size of +/- 3 acres. The minimum lot requirement is 25 acres in the Agriculture District. 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 is currently legally described as a plat of Thomas Tract 1 of Lot A, a subdivision of the NE 1/4 of Section 21, T 103 N, R 62 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 responses from those notified.
 - The applicant was present to answer questions. Discussion included what, if any, future plans for the remaining portion of Lot A and Lot B may include. Mr. Thomas has plans to sell the remaining land. Discussion also included access to the remainder of the property.
 - After consideration of 1403B-Variances, motion by Brenda Bode, seconded by Steve Thiesse to recommend approval of the variance to the Board of Adjustment. All members voted aye, motion carried.
9. Approve a plat of Thomas Tract 1 of Lot A, a subdivision of the NE 1/4 of Section 21, T 103 N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of Matthew Thomas.
 - Administrator Bathke gave an explanation of the plat.
 - The applicant was present to answer questions. Considering the Commission just voted on the Variance, there was no further discussion.
 - Motion by Brenda Bode, seconded by Gary Stadlman to recommend approval of the plat to the County Commissioners; with an Agriculture Covenant as the property is in the Agriculture (AG) District. All members voted aye, motion carried.
10. That Brian and Michelle Hellman have appealed to the Davison County Planning Commission to recommend granting a conditional use permit to operate a Taxidermy Business in the Agriculture Residential (AR) District. A Taxidermy Business is not a Permitted, Accessory, or Conditional Use in the AR District. This request is pursuant to Section 609 Classification of Unlisted Uses of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as LT M NW 1/4 of Section 25, T 103 N, R 61 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 responses from those notified.
 - The applicant was present to answer questions. Discussion included where the business would be taking place on the property, which the applicant explained would take place in the outbuildings at the rear of the property. The applicant was informed about specific sign regulations (No lighting, setbacks) and told to further discuss the issue with the Zoning Administrator upon design and installation. Traffic volume was also discussed and concluded to not be an issue.

- After consideration of 1403A-Conditional Uses, motion by Gary Stadlman, seconded by Brenda Bode to recommend approval of the Conditional Use to the Board of Adjustment. All members voted aye, motion carried.
11. Update on the rules for TIDS
- Administrator Bathke explained to the Commission there are no further comments from the group on the TID Guidelines. They will now be provided to the County Commission, and the Commission will have two weeks to review/recommend changes.
12. Set date for next meeting.
- February 4, 2014 @ 1:15 P.M.
13. Miscellaneous Items:
- Bruce Haines requested a recognition plaque for Tommy Greenway. The Planning & Zoning office will take care of this. Upon completion Tommy will be invited to receive the plaque at a Planning Commission Meeting.
 - Administrator Bathke introduced Nathan Wegner, Deputy Director of Planning & Zoning and Emergency Management, who started his duties on January 6, 2014.
 - The Zoning Ordinance revision was discussed. Administrator Bathke informed the Commission he and Deputy Administrator Wegner have made several revision recommendations, to include format changes and adding common conditional use items that have been approved over the last several years. A rough draft will be provided in the next few months.
 - The Comprehensive Plan was discussed. Administrator Bathke will contact Brian McGinnis to request the Comprehensive Plan be provided to us by April, 2014 with a goal of approving this by January, 2015.
14. Adjournment @ 2:22 P.M.

Bruce Haines
Planning Commission Chairman

Jeff Bathke
Planning & Zoning and Emergency Management Director



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PLANNING COMMISSION MINUTES

March 4, 2014

1. Call to order at 1:15 by Chairman Haines.
2. Roll Call
 - Present: Haines, Staldman, Bode, Thiesse, Kiner, Weitala, Bathke, Wegner.
 - Absent: Storm
 - Guests: Brian Dodd, Jeff Hohn, Ben Payne
3. Approve the amended agenda
 - The amended agenda included moving the R&M plat to be covered last, switching the Hohn items around, so the variance was voted on first. We also added an item to discuss a farewell party for Tommy Greenway and all past Planning Commissioners. Motion by Bode, seconded by Thiesse to approve the amended agenda. All members voted aye, motion carried.
4. Approve the January 14, 2014 Minutes
 - Motion by Staldman, seconded by Kiner to approve the January 14, 2014 minutes. All members voted aye, motion carried.
5. Consider a Plat of BSD Tract 1-A in the SE 1/4 of Section 18, T 104 N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of LeRoy & Lydella Dodd and Brian & Susan Dodd.
 - Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Applicant explained the house was moved from the original setting due to finding water when digging. Drainage was discussed and the setback from a nearby water source was discussed and found to be adequate. There was also discussion about the applicant obtaining a percolation test from a plumber, which is required by Section 617 (11) of the Davison County Zoning Ordinance.
 - Motion by Bode, seconded by Thiesse to recommend approval of the plat to the County Commissioners. All present members voted 6 aye, 0 nay, motion carried
6. That Jeff & Mary Hohn have appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 10.79+/- acres to create a lot size of 14.21+/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. 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 will be legally described as Hohn Tract 1 in Government Lot 4 of the NW 1/4 of Section 1, T 101N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included the specifics of the land, why it was being parceled, who would be purchasing the land, etc. There was also discussion of requiring an agricultural covenant for the land.
 - After consideration of 1403- B Variance, motion by Bode, seconded by Staldman to recommend approval of the Variance to the Board of Adjustment; with an Agricultural

Covenant as the property is in the Agricultural (AG) District. All present members voted 6 aye, 0 nay, motion carried.

7. Consider a Plat of Hohn Tract 1 in Government Lot 4 of the NW 1/4 of Section 1, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Jeff and Mary Hohn.
 - Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Considering the Commission just voted on the Variance, there was no further discussion.
 - Motion by Bode, seconded by Kiner to recommend approval of the plat to the County Commissioners. All present members voted 6 aye, 0 nay, motion carried
8. That Ben Payne has appealed to the Davison County Planning Commission to recommend granting a Variance Permit of 30 +/- feet for a front yard setback of 45 +/- feet from the right-of-way for an existing 14'x18' shed where the minimum lot setback requirement is 75 feet from all public right-of-ways. He has also appealed to recommend granting a variance of 11 +/- feet for a side yard setback of 39 +/- feet from the right-of-way where the minimum lot setback requirement is 50 feet from all other property lines. This request is pursuant to Section 505 and 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 19 of Enemy Creek Estates, A Subdivision in the NE 1/4 and in the SE 1/4 of the NW 1/4 of Section 14, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included what, if any, hardships were present and why the shed was not placed in the area approved with the building permit. Commissioners were concerned with what precedent might be set based on their vote. A lengthy discussion pursued with many questions asked to the applicant and with one another.
 - After consideration and productive discussion, Mr. Payne agreed to move his shed at the request of the Commission; said shed will be located where the zoning ordinance allows. Motion by Kiner, seconded by Thiesse to recommend tabling the Variance until January 1, 2015 at which time the Commission will look to see that Mr. Payne properly moved his shed.
 - The Planning & Zoning department will flag the setbacks for Mr. Payne when the ground thaws.
9. Consider a Plat of R & M Tract 1 in the SW 1/4 of Section 21, T 104 N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of Randall Morgan.
 - Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Commission asked planning and zoning administrators if there was any reason not to approve from a planning and zoning standpoint, which there was not. Commissioner Bode gave a detailed discussion of the history of the land and owners. There were no further questions or discussion.
 - Motion by Kiner, seconded by Bode to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried. Commissioner Weitala left the meeting prior to this vote.
10. Discussion was held regarding a party for past Commissioner Tommy Greenway, as well as all past Planning Commissioners. The board though it would be best to tie this into an open house ceremony for the opening of the new chambers in the North Offices.

11. Set date for next meeting.

- April 1, 2014 @ 7:00P.M.

12. Adjournment @ 2:55 P.M.

Bruce Haines
Planning Commission Chairman

Jeff Bathke
Planning & Zoning and Emergency Management Director



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PLANNING COMMISSION MINUTES

April 1, 2014

1. Call to order at 7:10 P.M. by Vice Chairman Stadlman.
2. Roll Call
 - Present: Stadlman, Storm, Thiesse, Weitala, Wegner.
 - Absent: Haines, Bode, Kiner, Bathke
 - Guests: Loren & Julie VanOverschelde, Jessica Burns.
3. Approve the agenda
 - Motion by Storm, seconded by Weitala to approve the agenda. All members voted aye, motion carried.
4. Approve the March 4, 2014 Minutes
 - Motion by Weitala, seconded by Thiesse to approve the March 4, 2014 minutes. All present members voted aye, motion carried.
5. That Loren and Julie Van Overschelde have appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 22 acres to create a lot size of 3 acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (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 LJV Tracts 1 and 2 of Government Lot 1 in the NE 1/4 of Section 1, T 104N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included how large the acreage is and how much of that is currently farmed. Applicant informed the Commission that the area farmed would not change with variance. Access to the property was also discussed with the finding that a driveway to the south would serve as access to the portion of the property for farming. An agricultural covenant for the land was discussed, which the applicant was already aware of.
 - After consideration of 1403- B Variance, motion by Weitala, seconded by Thiesse to recommend approval of the Variance with an Agricultural Covenant to the Board of Adjustment. All present members voted 4 aye, 0 nay, motion carried.
6. Consider a Plat of LJV Tracts 1 and 2 of Government Lot 1 in the NE 1/4 of Section 1, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Loren and Julie Van Overschelde.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion was brief due to the Variance covering the same area of discussion.
 - Motion by Storm, seconded by Weitala to recommend approval of the plat to the County Commissioners. All present members voted 4 aye, 0 nay, motion carried
7. Set date for next meeting.
 - May 6, 2014 @ 7:00P.M.
8. Adjournment @ 7:33 P.M.

Gary Stadlman
Planning Commission Vice Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES

May 6, 2014

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Brenda Bode, Steve Thiesse, Charles Storm, Jeff Bathke, Nathan Wegner.
 - Absent: Denny Kiner, Kim Weitala.
 - Guests: Larice Hamilton, Aaron Gerlach, Mandy Gerlach, and Rob Maeschen.
3. Approve the agenda
 - Motion by Bode, seconded by Storm, to approve the agenda. All members voted aye, motion carried.
4. Approve the April 1, 2014 Minutes
 - Motion by Stadlman, seconded by Thiesse, to approve the April 1, 2014 minutes. All members voted aye, motion carried.
5. That Aaron and Mandy Gerlach have appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 21.1 +/- acres to create a lot size of 3.9 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (1) 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 A & M Tract 1 in the S 1/2 of the SW 1/4 of Section 15, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included any intentions of buying more land in the future to which the applicants said no because they do not have the monetary means to do so, nor does the land owner wish to sell. Board Member Bode mentioned the difference in taxes for farm land versus an existing farmstead and the applicants were advised to ask the Assessor's office for further clarification. Adjacent structures and use of land was also discussed and it was mentioned the land could be used for farming in the future.
 - After consideration of 1403- B Variance, motion by Bode, seconded by Thiesse, to recommend disapproval of the Variance to the Board of Adjustment. All present members voted 5 aye, 0 nay, motion denied.
6. Approve a Plat of A & M Tract 1 in the S 1/2 of the SW 1/4 of Section 15, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Aaron and Mandy Gerlach.
 - The plat for Aaron and Mandy Gerlach was tabled until the variance is heard by the Board of Adjustment.
7. That Steven Endres has appealed to the Davison County Planning Commission to recommend granting a Variance Permit of 10 feet for a side yard setback of 40 feet. The minimum side yard setback is 50 feet in the Agricultural (AG) District. This request is



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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 2 & 3, Shadow Valley AC NW of Section 7, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.

- Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was not present to answer questions. Discussion included how large the proposed addition is and if the driveway leading in to the residence is a shared driveway as it looks as though it crosses the parcel line. It was mentioned that GIS can be off by a little but if it is in fact a shared driveway the applicants should look at having a written easement produced, if one currently does not. Board Member Stadlman voiced that he would like the addition to the east to go no further than what is being proposed; no concrete patio similar to what is currently on the existing house.
 - After consideration of 1403- B Variance, motion by Storm, seconded by Stadlman, to recommend approval of the Variance to the Board of Adjustment. All present members voted 5aye, 0 nay, motion carried.
8. That Rob Maeschen has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to operate a 600 animal unit feeding operation in the Agricultural (AG) District. This request is pursuant to Section 507 (3) and Section 518 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NW 1/4 of Section 19, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included the current road conditions which in fact are adequate to support the applicant's operations. The applicant gave a detailed explanation of his intentions and plans to which there was no more discussion.
 - After consideration of 1403- A Conditional Uses, motion by Stadlman, seconded by Storm, to recommend approval of the Conditional Use to the Board of Adjustment. All present members voted 5aye, 0 nay, motion carried.
9. That Rob Maeschen has appealed to the Davison County Planning Commission to recommend granting a Variance Permit of 50 feet for a public road right of way setback of 250 feet and a variance of 260 feet for a south property line setback of 40 feet. The minimum right of way and property line setbacks are each 300 feet in the Agricultural (AG) District. This request is pursuant to Sections 518 (3)f, and 518 (3)h of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NW 1/4 of Section 19, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.



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- The applicant was present to answer questions. Discussion included what the need was for variance setbacks by the applicant to which the applicant said he didn't want to take up any more farm land than what was necessary. Since discussion took place for the conditional use, there was no further comments.
 - After consideration of 1403- B Variance, motion by Stadlman, seconded by Thiesse, to recommend approval of the Variance to the Board of Adjustment. All present members voted 5aye, 0 nay, motion carried.
10. That Larice Hamilton has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to operate an auto sales business in the Agricultural (AG) District. This request is pursuant to Section 507 (6) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the E 5/8 in the S 1/2 of the SE 1/4 EX Lot 12, H-1, & H-2 of Section 15, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included how many cars are for sale at one time and how many cars, on average, are sold per year. The applicant stated that he normally has 10-12 vehicles outside at one time and sells around 20 vehicles per year. Appearance is expected to stay the same and the applicant sells cars, pick-ups, flat bed trailers, and the occasional tractor. The concern about visibility and where the cars are placed was also discussed. The applicant reassured the Board that where the cars are currently located follows his guidelines for his State Dealers License and that they are plenty far from the road.
 - After consideration of 1403- A Conditional Uses, motion by Thiesse, seconded by Stadlman, to recommend approval of the Conditional Use to the Board of Adjustment. All present members voted 5aye, 0 nay, motion carried.
11. Set date for next meeting.
- June 3, 2014 @ 7:00P.M.
12. Adjournment @ 8:15P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES

June 3, 2014

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Brenda Bode, Steve Thiesse, Charles Storm, Denny Kiner, Kim Weitala, Jeff Bathke, Nathan Wegner.
 - Absent: None.
 - Guests: Aaron Gerlach, Mandy Gerlach, Ted Christianson, and Lynda Nordstrom.
3. Approve the agenda
 - Motion by Bode, seconded by Weitala, to approve the agenda. All members voted aye, motion carried.
4. Approve the May 6, 2014 Minutes
 - Motion by Stadlman, seconded by Storm, to approve the May 6, 2014 minutes. All members voted aye, motion carried.
5. That Quality Homes has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in front yard setback of 22 +/- feet to create a front yard setback of 53 +/- feet. The minimum front yard setback is 75 feet in the Agricultural - Residential (AR) District. This request is pursuant to Section 613 (2a) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots 3 & 4 of W S Martins 1st Addn. A Sub. of Govt. Lot 1 in the NE 1/4 W S Martins 1st Addn.-NE of Section 5, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There was one response from a neighboring land owner in disapproval; a picture and letter were provided that Deputy Administrator Wegner read aloud for the Planning Commission.
 - The applicant was not present to answer questions. Discussion included the miscommunication between the planning and zoning department and Quality Homes and the specifics on where the communication fell through. The driveway for the new home was discussed and found to be within guidelines. Commission member Bode stated that all three entities involved should know the requirements and feels this should not have happened. Furthermore, to safeguard future projects, County officials should think about double checking a builder's site layout before digging occurs in order to make sure setbacks and other requirements are followed correctly. Neighboring homes' setbacks were looked at, discussed, and compared to Bonnie Orr's home. The confusion and misunderstanding of the ordinance the way it is written currently for how setbacks are measured and where from was discussed in great length and detail. Last, a discussion about the condition of a shelter belt along Bonnie Orr's property was discussed.
 - After consideration of 1403-B Variance, motion by Weitala, seconded by Thiesse, to recommend approval of the Variance to the Board of Adjustment with the



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condition that one (1) row of conifers be planted along the south side of the home, starting 75' from the right-of-way of 408th Ave. and that three (3) rows of conifers be planted directly west of the first row and run the length of the neighbor's shelter belt to the south. All rows of conifers are to be established by June 1, 2015 and maintained at an 80% growth rate thereafter. All present members voted:

Haines Aye, Stadlman Aye, Storm Aye, Bode Aye, Thiesse Aye, Weitala Aye, Kiner Abstained. Motion carried.

6. Approve a Plat of A & M Tract 1 in the S 1/2 of the SW1/4 of Section 15, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Aaron & Mandy Gerlach.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included a detailed reasoning for the Board of Adjustment's decision to pass the variance tied to the plat and what exactly a hardship is. The difference between a subdivision vs. an individual parcel being platted in the agricultural district was also discussed. Commission member Kiner voiced concern about the failure to approve such developments keeps small communities from growing...and who are we to do that? Last, was discussion with the applicant and the basis for 'first option to purchase' which gives the applicant the option of purchasing more land in the future to meet the 25 acre minimum.
 - Motion by Storm, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.
7. Set date for next meeting.
 - July 1, 2014 @ 7:00P.M.
8. Adjournment @ 8:40P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES

July 1, 2014

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Brenda Bode, Steve Thiesse, Charles Storm, Jeff Bathke, Nathan Wegner.
 - Absent: Denny Kiner, Kim Weitala.
 - Guests: Robert Ball, Babs Bowne, Bob Weber, Barb Weber, Larry Hostler, Angie Luczak, Frank Luczak, Tom Patzer, Bonny Kotrba, Jenny Kotrba, and Michelle Hoffman.
3. Approve the agenda
 - Motion by Stadlman, seconded by Thiesse, to approve the agenda. All members voted aye, motion carried.
4. Approve the June 3, 2014 Minutes
 - Motion by Stadlman, seconded by Bode, to approve the June 3, 2014 minutes. All members voted aye, motion carried.
5. Approve the June 5, 2014 Minutes
 - Motion by Thiesse, seconded by Bode, to approve the June 5, 2014 minutes. All members voted aye, motion carried.
6. That Suzanne Korzan has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 10 +/- acres to create a lot size of 15 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (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 C-2A, A Subdivision of Lot C-2 of Kotrba's Subdivision in the SE 1/4 of Section 15, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There was one response from a neighbor in approval of the lot size variance.
 - The applicant was not present to answer questions. Discussion included how many remaining acres would be left in the parent parcel, access to both parcels (current and proposed), the choice of 15 acres versus 25, and discussion of the creek that runs through the property and concerns of flooding and the creek size (3 dot blue line). The elevation towards the NE corner of the property is high enough that flooding would not be an issue.
 - After consideration of 1403- B Variance, motion by Storm, seconded by Thiesse, to recommend approval of the Variance to the Board of Adjustment with condition of an agricultural covenant. All present members voted 5 aye, 0 nay, motion carried.
7. Approve a Plat of Lot C-2A, A Subdivision of Lot C-2 of Kotrba's Subdivision in the SE 1/4 of Section 15, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Suzanne Korzan.



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- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Due to the variance, there was minimal discussion about the plat.
 - Motion by Stadlman, seconded by Bode to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried.
8. That Bob & Barb Weber have appealed to the Davison County Planning Commission to recommend granting a Variance Permit in side yard setback of 8 +/- feet to create a side yard setback of 2 +/- feet. The minimum side yard setback is 10 feet in the Agricultural - Residential (AR) District. This request is pursuant to Section 613 (2c) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot L in the SW 1/4 of Section 24, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.
- Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included the intention and need of the variance in side yard setback and the distance to the neighbor to the west to which the neighbor, present at the meeting, said she had no problem with the location of the future building.
 - After consideration of 1403- B Variance, motion by Thiesse, seconded by Storm, to recommend approval of the Variance to the Board of Adjustment. All present members voted 5 aye, 0 nay, motion carried.
9. That Lyle Kurtenbach has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 9 +/- acres to create a lot size of 16 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (1) 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 L.J. Kurtenbach Tract 1 in the NE 1/4 of Section 32, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was not present to answer questions. Discussion included a brief history of the land and why it has come in front of the Planning Commission. Because the parcel already exists by measurements, further discussion was minimal.
 - After consideration of 1403- B Variance, motion by Stadlman, seconded by Bode, to recommend approval of the Variance to the Board of Adjustment with condition of an agricultural covenant. All present members voted 5 aye, 0 nay, motion carried.
10. Approve a Plat of L.J. Kurtenbach Tract 1 in the NE 1/4 of Section 32, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Lyle Kurtenbach.
- Deputy Administrator Wegner gave an explanation of the plat.



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- The applicant was not present to answer questions. Due to the variance, there was minimal discussion about the plat.
 - Motion by Bode, seconded by Storm to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried.
11. Approve a Plat of Lot 8-A of River Ridge Estates, A Subdivision of Previously Platted Lot 8 of River Ridge Estates in the SW 1/4 of the NE 1/4 of Section 13, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Thomas & Sherri Patzer.
- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included what the intended purpose of the plat is and what it accomplishes, the access point for proposed Lot 8-A, and the neighboring parcels' ownership.
 - Motion by Storm, seconded by Bode to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried.
12. Approve a Plat of F. Luczak Tract 1 in Gov't Lot 4, Gov't Lot 5 and the SE 1/4 of the NW 1/4, All in Section 6, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Frank & Angie Luczak.
- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included the intended purpose of the plat and what exactly was being corrected. The creek that runs through the parcel was also discussed with main points focused on water flow and the applicant stated the last maintenance to the creek was well over 50 years ago. The proposed parcel currently exists by measurements.
 - Motion by Stadlman, seconded by Thiesse to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried.
13. Approve a Plat of Lot C and Lot D of Oster's Addition, A replat of a portion of previously platted Lot B of Oster's Addition, and also a portion of the NE 1/4 of Section 19, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Ila Rumbolz.
- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Due to the fact that Rumbolz's plat was similar to Luczak in the fact that she is correcting parcel lines, discussion was minimal.
 - Motion by Bode, seconded by Storm to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried.
14. Set date for next meeting.
- August 5, 2014 @ 7:00P.M.
14. a. Discussion: Special Meetings
- Discussion of special meetings took place in regards to the following:
 - i. Raising fee: The current special meeting rate of \$300 is regarded as being too low and the thought of the Planning Commission is to raise it to \$500. The fee cannot be raised until the first of the next year, January 2015.



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- ii. Notice: The Planning Commission agreed that a (5) five day notice should be in place between someone requesting the special meeting and the actual meeting being held in order to give the Planning and Zoning department adequate time to accommodate the request.
- iii. Special Meeting Initiation: The question was raised about what can constitute a special meeting; a plat that does not need a variance is really the only thing that would be viable to a special meeting. Variances and conditional uses need notice time (10 days) and that would put most people within a couple days of a regular scheduled meeting, hence ruling out the need for the special meeting.
- iv. Continued Discussion: Discussion about special meetings will be continued at a later date due to the fact that nothing can legally change prior to January 2015.

15. Adjournment @ 8:15P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES

August 5, 2014

1. Call to order at 7:10 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Brenda Bode, Steve Thiesse, Charles Storm, Denny Kiner, Kim Weitala, Jeff Bathke, Nathan Wegner.
 - Absent: None.
 - Guests: David Devries, Loren Gregerson, Ron Scheich, Jeff Larson, and Chuck Mauszycki.
3. Approve the agenda
 - Motion by Stadlman, seconded by Storm, to approve the agenda. All members voted aye, motion carried. Agenda was amended to add 10.a. as a discussion at the request of Planning Commission member Bode.
4. Approve the July 1, 2014 Minutes
 - Motion by Stadlman, seconded by Thiesse, to approve the July 1, 2014 minutes. All members voted aye, motion carried.
5. That Loren Gregerson has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in front yard setback of 8 +/- feet to create a front yard setback of 67 +/- feet for an addition to a nonconforming structure. The minimum front yard setback is 75 feet in the Agricultural (AG) District. This request is pursuant to Section 515 and 1807 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot A in the SW 1/4 of Section 23, T 104N, R 62 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included what the overall plans were of the applicant and his intentions with the addition to the house.
 - After consideration of 1403- B Variance, motion by Bode, seconded by Weitala, to recommend approval of the Variance to the Board of Adjustment. All present members voted 7 aye, 0 nay, motion carried.
6. That LLG Enterprises has appealed to the Davison County Planning Commission to recommend granting one (1) additional lot as an amendment to the August 17, 2004 variance additional requirement that placed a maximum of 33 total lots in the Enemy Creek Estates development in the Agricultural District. This request is pursuant to the additional requirement that was placed on the August 17, 2004 variance in lot size permit amendment to the July 29, 2003 Permit. Upon platting, the property will be legally described as Lot 1 of Enemy Creek Estates, a Subdivision in the NE 1/4 of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There was one response from a neighbor notified, Ryan Sheesley. He is concerned about water runoff from the property and would



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like to see the land built up and the water drained to the ditch. His other concern is the placement of the driveway and he would like to see it connect to the Loop and not 258th.

- The applicant was present to answer questions. Discussion included the drainage concern and the applicant assured that the water will drain to the ditch and the driveway will connect to Enemy Creek Loop. The total lot requirement was discussed as well as other items of the previous conditional use stipulations, which will be required for this lot; they include: percolation test and an agricultural covenant to be completed before any building occurs and plat is filed.
 - After consideration of 1403- B Variance, motion by Storm, seconded by Kiner, to recommend approval of the Variance to the Board of Adjustment. All present members voted 7 aye, 0 nay, motion carried.
7. Approve a Plat of Lot 1 of Enemy Creek Estates in the NE 1/4 of Section 14, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of LLG Enterprises.
- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Due to the variance, there was minimal discussion about the plat.
 - Motion by Bode, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.
8. Approve a Plat of Lot 2A and 2B, Block 2 of B. and J. Devries First Addition in the NE 1/4 of Section 31, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of David Devries.
- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included the availability of rural water for the lot, which was found to be sufficient. Reason for platting of Lot 2B was also briefly discussed. Significance was placed on an agricultural covenant and its importance, however, the plat in question lies within the City of Mitchell's zoning regulations, therefore, the Planning Commission cannot place an agricultural covenant stipulation on the land.
 - Motion by Thiesse, seconded by Storm, to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 2 nay, motion carried.
- Roll Call: Haines aye, Stadlman nay, Bode nay, Thiesse aye, Storm aye, Kiner aye, Weitala aye.
9. Approve a Plat of Lot 4 AND 5, block 8 of CJM Second Addition, and a portion of Livesay Lane and a Portion of Jamaicas Avenue, in the NW 1/4 of Section 32, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of CJM Consulting.
- Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included the future of the development and projected growth, distance of (future) city sewer and water hookup from the proposed Lots, and discussion about septic tank usage in the area.



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- Motion by Weitala, seconded by Kiner, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.
10. Set date for next meeting – September 2, 2014
- 10.a. Discussion – Past Conditional Use (1989-1991)
- Planning Commission member Bode stated that she has received calls concerning JD Concrete Products, located at 1417 E. Spruce St., Mitchell. The inquiry questions the concrete rubble dumping requirements that were part of the conditional use stipulations. The Planning and Zoning department will review the requirements of the conditional use and meet with JD Concrete.
11. Adjournment @ 8:25 P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES
September 2, 2014

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Brenda Bode, Steve Thiesse, Charles Storm, Denny Kiner, Kim Weitala, Jeff Bathke, Nathan Wegner.
 - Absent: None.
 - Guests: Becky Pitz, Ron Schiech, Ron Deinert, Dave Deinert, Connie Deinert, Nathan Sparks.
3. Approve the agenda
 - Motion by Stadlman, seconded by Storm, to approve the agenda. All members voted aye, motion carried.
4. Approve the August 5, 2014 Minutes
 - Motion by Kiner, seconded by Weitala, to approve the August 5, 2014 minutes. All members voted aye, motion carried.
5. That Ron Scheich has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 22 +/- acres to create a lot size of 3 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (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 Scheich Tract 1 in the NW 1/4 of Section 27, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included the amount of truck traffic and the road dust raised. The size of the acreage was heavily discussed with question to possible future purchase of land as well as ordinance wording clarification. There was also concern over the proposed parcel placement in the middle of a section.
 - After consideration of 1403- B Variance, motion by Thiesse, seconded by Kiner, to recommend approval of the Variance to the Board of Adjustment with condition of an Agricultural Use Covenant. All present members voted 7 aye, 0 nay, motion carried.
6. Approve a Plat of Scheich Tract 1 in the NW 1/4 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 Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Aside from the Variance, further discussion included concerns of the proposed parcel being platted to the center of the road; there was thought that as a County maintained road, the owner cannot own/purchase half of the road.
 - Motion by Kiner, seconded by Thiesse, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.



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7. That Loren Gregerson has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 7 +/- acres to create a lot size of 18 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (3) 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 Tract 1 of Gregerson's Addition, A Subdivision of Lot A in the SW 1/4 of Section 23, T 104N, R 62 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were two notified neighbors that contacted Planning Commission Member Bode to which they stated they had no objection to the recommended Variance Permit.
 - The applicant was present to answer questions. Discussion included a brief explanation of the Variance image, placement, and purpose.
 - After consideration of 1403- B Variance, motion by Weitala, seconded by Stadlman, to recommend approval of the Variance to the Board of Adjustment with condition of an Agricultural Use Covenant. All present members voted 7 aye, 0 nay, motion carried.
8. Approve a Plat of Tract 1 of Gregerson's Addition, A Subdivision of Lot A in the SW 1/4 of Section 23, T 104N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of Loren Gregerson.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Due to the variance, there was minimal discussion about the plat.
 - Motion by Storm, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.
9. That Nathan Sparks has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 18.8 +/- acres to create lot size of 6.2 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (3) 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 Lots 1, 2, and 3 of Sparks Addition in the S 1/2 of the SW 1/4 of Section 28, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included an explanation of the 25 acre rule and how it pertains to banks' regulations and protocol. Also discussed was the possibility of wrapping the 7.11 acres back in with the remaining 17.89 acres to the north if 50 acres total was afforded in the first place.
 - After consideration of 1403- B Variance, motion by Stadlman, seconded by Thiesse, to recommend approval of the Variance to the Board of Adjustment with condition of an Agricultural Use Covenant. All present members voted 5 aye, 2 nay, motion carried.



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10. Approve a Plat of Lots 1, 2, and 3 of Sparks Addition in the S 1/2 of the SW 1/4 of Section 28, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Nathan Sparks.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Due to the variance, there was minimal discussion about the plat.
 - Motion by Bode, seconded by Kiner, to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 2 nay, motion carried.
11. That Dave Deinert has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in side yard setback of 40 +/- feet to create side yard setback of 10 +/- feet. The minimum side yard setback is 50 feet in the Agricultural (AG) 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 C of Deinerts First Addition in the NW 1/4 of Section 25, T 103 N, R 62 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included a clarification of the variance image and placement of the grain bin to which it was found the placement would be 10 feet from the property line based on the fan that extends from the grain bin, making the actual bin 15-16 feet from the property line.
 - After consideration of 1403- B Variance, motion by Storm, seconded by Bode, to recommend approval of the Variance to the Board of Adjustment. All present members voted 7 aye, 0 nay, motion carried.
12. Approve a Plat of Lot 7, in Hamilton's 2nd Addition, in the SE 1/4 of Section 10, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Larice Hamilton.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Discussion included a clarification of the plat visual and the intentions of Lot 7 in the future.
 - Motion by Storm, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.
13. Approve a Plat of Lot C of Oster's Addition, in the NE 1/4 of Section 19, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Ila Rumbolz.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Discussion was brief and included explanation of the applicant's intentions which is to clean up/correct the lot lines, which are currently slanted instead of straight. The overall intention of the applicant is to sell the proposed parcel after platting.
 - Motion by Bode, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.



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14. Approve a Plat of Tract 4 of Prairie Ethanol Addition in Lot 1 of the SW 1/4 of Section 24, T 104N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Prairie Ethanol LLC (POET).
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included an overview of the plan from the applicant which detailed the need for the plat and rail expansion.
 - Motion by Kiner, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 7 aye, 0 nay, motion carried.
15. Set date and time for next meeting – October 7, 2014 @ 7:00 P.M.
16. Adjournment @ 8:30 P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES
October 7, 2014

1. Call to order at 7:02 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Brenda Bode, Steve Thiesse, Denny Kiner, Kim Weitala, Jeff Bathke, Nathan Wegner.
 - Absent: Gary Stadlman, Charles Storm.
 - Guests: Marjorie Mathers.
3. Approve the agenda
 - Motion by Bode, seconded by Kiner, to approve the agenda. All members voted aye, motion carried.
4. Approve the September 2, 2014 Minutes
 - Motion by Thiesse, seconded by Weitala, to approve the September 2, 2014 minutes. All members voted aye, motion carried.
5. Approve a Plat of Lots 2, 3, and 4, of River Front Estates, A Subdivision of Lots 8 and 9 in the SE 1/4 of Section 25, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Damon Bartscher.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Discussion included the presence of the flood plain in proximity to Lot 4 and the intentions of said Lot. No structures will be built in the flood plain of Lot 4, which is stated on the plat.
 - Motion by Weitala, seconded by Bode, to recommend approval of the plat to the County Commissioners with the condition of an Agricultural Use Covenant. All present members voted 5 aye, 0 nay, motion carried.
6. Approve Road Name Request – Wagon Road
 - Deputy Administrator Wegner gave an explanation of the request.
 - Discussion included where the road will be and the reason for naming the road. The road previously had three (4) names and Wagon Road was approved by the LEPC on September 19, 2014.
 - Motion by Bode, seconded by Thiesse, to recommend approval of the road name request of Wagon Road. All present members voted 5 aye, 0 nay, motion carried.
 - The following previously recorded plats shall resemble the road name change:
 - i. Lot A of Andersen's Subdivision in the SE ¼ of the SW1/4 of 24-103-60 West of the 5th P.M., Davison County, South Dakota, where it appears to reference it as "Dump Road".
 - ii. Lot 1 of River Front Estates, A Sub. Of Lot 8 in the SW1/4 of the SE1/4 of 25-103-60 W of the 5th P.M., Davison County, South Dakota, where it references it as "Wagon Road/Territorial Road.
 - iii. Lots 1-A and 2 in Sunrise Estates, SE ¼ of 25-103-60 West of the 5th P.M., Davison County, South Dakota.
 - iv. Surveyor's Affidavit - Wagon Road Lots 1 and 2 in the N ½ of 25-103-60 West of the 5th P.M., Davison County, South Dakota.

7. Approve a Plat of Mathers Tract A in Irregular Tract No. 3 in the SE 1/4 of Section 16, T 103N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of Marjorie Mathers.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included why there was not a variance with the plat; Marjorie Mathers had been awarded a variance in lot size on August 15, 2006 for this area and was just now platting. There was an Agricultural Use Covenant attached in 2006 as well. It was also noted that the City of Mt. Vernon does not need to review said plat because the area is not contiguous to the City limits.
 - Motion by Kiner, seconded by Weitala, to recommend approval of the plat to the County Commissioners. All present members voted 5 aye, 0 nay, motion carried.
8. Approve a Plat of Lots 3D-1 and 3D-2 of D.R. Kiner's First Addition in the SW 1/4 of Section 31, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Denny Kiner.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included an explanation of the situation and need/reason for the plat. All requirements of the area are subject to the City of Mitchell's zoning ordinance; a variance through the City will be placed on the parcel of 3D-2 for lot width.
 - Motion by Bode, seconded by Thiesse, to recommend approval of the plat to the County Commissioners. All present members voted: Haines aye, Bode aye, Thiesse aye, Weitala aye, Kiner abstained, motion carried.
9. Discussion and review of possible amendments to the Davison County Zoning Ordinance.
 - Administrator Bathke gave an overview of the possible changes to the zoning ordinance and discussion about the various changes pursued.
10. Other Items:
 - Discussion about the “Re-Cycle Center” business located at 40510 254th St. Mitchell in regards to not meeting some of the conditions of their conditional use permit obtained September 28, 2010. The issue will be further pursued by the Planning & Zoning administrators.
 - Planning Commission member Bode had several calls over the last month to include:
 - i. One row of shelter belt trees planted near a fence line at 397th Ave. and 247th St. with concern of visibility. As stated in the ordinance, a person can plant up to four rows before needing to meet the 75’(feet) setback.
 - ii. Attention has been brought in concern to the recent increase in pet/animal carcass dumping on private property by other people whom are not the owner. While not enforceable by ordinance, the matter is disheartening.
 - iii. Complaints about “Concrete Construction of Mitchell Inc.” located at 41002 258th St. in regards to the amount of items/“junk” visible outside of the business when they have the necessary amount of land to organize, manage, and arrange their items in a more appealing matter. The issue will be further pursued by the Planning & Zoning administrators.

- iv. Reports of corn being grown in or near the ditch around Davison County; crops must meet the 75'(feet) setback. If reported, Planning & Zoning administrators will contact the landowner to have it removed.
- 11. Set date and time for next meeting – November 4, 2014 @ 1:15 P.M.
- 12. Adjournment at 9:22 P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES
November 4, 2014

1. Call to order at 1:16 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Charles Storm, Steve Thiesse, Brenda Bode, Kim Weitala, Jeff Bathke, Nathan Wegner.
 - Absent: One (1) vacancy currently open.
 - Guests: Clancy Steele, Maria Houston, Todd Hohn, Steve French, Shane Crowe, Ray Dean, Don Petersen, Dave Backlund, Dave Backlund Jr., Terry Johnson, Christie Gunkel, Randa Dean, Steve Culhane, Leon Baier.
3. Approve the agenda
 - Motion by Bode, seconded by Weitala, to approve the agenda. All members voted aye, motion carried.
4. Approve the October 7, 2014 Minutes
 - Motion by Weitala, seconded by Thiesse, to approve the October 7, 2014 minutes. All members voted aye, motion carried.
5. That Steve French has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 23.79 +/- acres for three (3) parcels to create a lot sizes of 1.21 +/- acres. The minimum lot size is 25 acres in the Agricultural - Residential (AR) District. This request is pursuant to Section 616 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 Lots 1A, 1B and 1C, A Subdivision of French Tract 1 in the SE 1/4 of Section 15, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There was a collective objection from neighboring land owners; document with signatures and short explanation for the objection reasoning was presented to the Planning Commission.
 - The applicant was present to answer questions. Discussion included the intentions of the applicant, who stated he doesn't have any immediate plans, but it would be single family, residential housing if anything. The question was then raised by Haines: Do we (Planning Commission) want to recommend approval for land platted for future use and no immediate plans? Land use around the proposed parcels was also discussed with neighbor Leon Baier voicing his concerns of his horses, minimum acreage rule for the area, soil support concerns for septic tanks, and overall comment to hold the development to three (3) acres per parcel as the proposed acreage is too small.
 - Standards for subdivisions and planned development was discussed as well. Haines shared EPA documents that reported the success of septic tanks while Stadlman stated that every area is different. Another neighbor, Todd Hohn, voiced septic tank concerns as well as problems with Taft Street, i.e. maintenance, upkeep, cost, etc. General comment was made about French's rental unit in the

area but was found to not violate any part of the zoning ordinance. Deputy Administrator Wegner gave a quick and brief explanation of Taft St. issues and informed the audience that there is a maintenance agreement on file at the Register of Deeds at the Courthouse BUT should have been provided in title work when purchasing home/land. The neighbors believe the street (Taft) should be maintained by Prosper Township.

- After consideration of 1403- B Variance, motion by Weitala, seconded by Storm, to recommend disapproval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye, Bode – aye, Weitala – aye, motion carried.
6. Approve a Plat of Lots 1A, 1B and 1C, A Subdivision of French Tract 1 in the SE 1/4 of Section 15, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Steve French.
 - Due to the Variance motion and carry for denial, the plat was not sought for a vote.
 7. Approve proposed boundaries for Tax Incremental District #4 (TID #4) in the Wild Oak development; at the request of Firesteel Links LLC.
 - Administrator Bathke gave an explanation of the proposed TID.
 - The applicant was present to answer questions. The applicant also provided an explanation and presentation of the project; discussion included emphasis by Haines that the (Planning Commission) members need to focus on boundaries, not specifically the overall plan, at this point. Emphasis was also put on how generated revenue would be spent by the applicant, who stated it would only be used for appropriate TID/TIF expenditures. Applicant stated the three planned phases which will need the order finalized in the final plan. Applicant also stated that there are 67 lots left to be sold in the development (40 have been sold in the last ten (10) years). According to the applicant, housing alone sold would support all three (3) phases of the proposed TID. Throughout the lifespan of proposed TID 4 there would be absolutely no liability on the County if the project were to fall behind. The proposed TID is expected to last until one of two things happens: 1. Until a certain amount of tax revenue is generated, or 2. Twenty years have elapsed; applicant expects the TID to last approximately 18 years.
 - The total projected cost of all three phases was estimated to be between \$1.8 to 1.9 million. It was stated that when a lot is sold (in the development) it automatically gets annexed into the City (limits). Overall project plan for TID 4 will be presented within the next 30-60 days. It was also reassured that the passage of the TID would not affect funding for overall County roads. The applicants heavily stated that their development allows and welcomes any contractor, and any person to build, from \$200,000 to \$1,000,000 priced houses (they do not regulate what type of build a person chooses to do).
 - Motion by Storm, seconded by Stadlman, to recommend approval of TID #4 boundaries to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye, Bode – aye, Weitala – aye, motion carried.
 8. Discussion and review of possible amendments to the Davison County Zoning Ordinance.

- Administrator Bathke discussed possible changes to the zoning ordinance and future review at December and/or January's meeting.
9. Discussion of possible individuals to fill vacant seat of the Planning Commission.
 - Discussion included how vacant seat came about and that advertising will be conducted.
 10. Additional Comments from the Group included:
 - Deputy Administrator Wegner reported on past issues that have been addressed and resolved.
 11. Set date and time for next meeting – December 2, 2014 @ 1:15 P.M.
 12. Adjournment @ 3:31 P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES
December 2, 2014

1. Call to order at 1:17 P.M. by Vice Chairman Stadlman.
2. Roll Call
 - Present: Gary Stadlman, Steve Thiesse, Charles Storm, Brenda Bode, Kim Weitala, Nathan Wegner.
 - Absent: Bruce Haines, Jeff Bathke.
 - Guests: Lin Musick, Ross Haigh, and Chuck Mauszycki Jr.
3. Approve the agenda
 - Motion by Thiesse, seconded by Storm, to approve the agenda. All members voted aye, motion carried.
4. Approve the November 4, 2014 Minutes
 - Motion by Bode, seconded by Weitala, to approve the November 4, 2014 minutes. All members voted aye, motion carried.
5. That Lin Musick has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in lot size of 17.88 +/- acres to create a lot size of 7.12 +/- acres. The minimum lot size is 25 acres in the Agricultural (AG) District. This request is pursuant to Section 513 (1) 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 Lots 1, 2, 3 and 4 of Harmony Addition in the SE 1/4 of Section 21, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Wegner gave an explanation of the application, required notifications, and the GIS view. There was one response from Jerry Buchholz after notification who stated he is not against the variance, but doesn't like having a farm in the middle of a bunch of residences.
 - The applicant was present to answer questions. Discussion included if the applicant plans to sell the existing home on lot 2 to family, which the applicant does not. The car lot conditional use relating to the property is not to be included in the variance or changed. Discussion about the need for the jog north off of parcel 2 was discussed and others would have liked to see more of a square parcel or better yet all 4 proposed lots divided more evenly to give 25 acres to all proposed parcels. The plans for lots 1,2, and 4 were also discussed in regards to lot 3's plans.
 - After consideration of 1403- B Variance, motion by Bode, seconded by Thiesse, to recommend approval of the Variance to the Board of Adjustment with condition of an Agricultural Use Covenant. Roll call vote:
Haines – absent, Stadlman – nay, Thiesse – aye, Storm – nay, Bode – aye, Weitala – aye, motion carried.
6. Approve a Plat of Lots 1, 2, 3 and 4 of Harmony Addition in the SE 1/4 of Section 21, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Lin Musick.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion was brief and minimal due to prior discussion about the variance.

- Motion by Thiesse, seconded by Bode, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – absent, Stadlman – nay, Thiesse – aye, Storm – nay, Bode – aye, Weitala – aye, motion carried.
7. Approve a Plat of Lot 1-B of N. Maui's First Addition, A Subdivision of Lot 1 in the W. 1/2 of the NW 1/4, also described as Lot 1, All in Section 31, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Ross Haigh.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion included access to the parcel in regards to 249th and the railroad right-of-way. Septic conditions in the area and if neighbors had voiced concern, to which they haven't. It was stated that Mr. Haigh has already gone to the City for a Conditional Use permit for his business on the proposed parcel. Setbacks, vehicles used by the business, and future development of the area were also briefly discussed.
 - Motion by Weitala, seconded by Storm, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – absent, Stadlman – aye, Thiesse – aye, Storm – aye, Bode – aye, Weitala – aye, motion carried.
 8. Approve a Plat of Lot 1 of Haley Addition in Government lots 3 & 4 of the NW 1/4 of Section 3, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Mike Haley.
 - Deputy Administrator Wegner gave an explanation of the plat.
 - The applicant was not present to answer questions. Discussion included the size of the lot in regards to having enough room for septic and a well; there will most likely not be room for a well on the proposed parcel. The size, shape, and placement of the lot was further discussed with concern for each, but realizing the City had approved, the Planning Commission furthered minimal conversation.
 - Motion by Storm, seconded by Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – absent, Stadlman – nay, Thiesse – nay, Storm – aye, Bode – aye, Weitala – aye, motion carried.
 9. Additional Comments from the Group included:
 - Deputy Administrator Wegner handed out copies of the three applications that were returned to the Planning and Zoning office in regards to the current vacancy.
 10. Set date and time for next meeting – January 6, 2015 @ 1:15 P.M.
 11. Adjournment @ 2:13 P.M.

Gary Stadlman
Planning Commission Vice Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director