



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES
April 2, 2019

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Brenda Bode, Jeff Bathke, Mark Jenniges.
 - Absent: Kim Weitala, Lewis Bainbridge, One (1) vacancy currently open.
 - Guests: Glenn & Dani Olsen, Marcus Traxler, Jarod Klock, Angela Klock, Joah Klock, Rachel Klock, Josh Klock, Anna Klock, Daren Long, Josh Lawson, Chase Knutson, and Peggy Greenway.
3. Consider the proposed agenda.
 - Motion by Charles Storm, seconded by Steve Thiesse, to approve the agenda. All members voted aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the March 5, 2019 Minutes.
 - Motion by Brenda Bode, seconded by Charles Storm, to approve the March 5, 2019 proposed minutes. All members voted aye, motion carried.
6. Public input-none.
7. That Glenn Olsen has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21.5 acres to create a lot size of +/- 3.5 acres, where the minimum is 25 acres in the Agricultural District.
 - This request is in pursuant to Section 307 (4) 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 17, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Deputy administrator Jenniges explained the application, required notifications, and the GIS view. Notices were published in the paper and sent to neighbors with no responses for or against.
 - The applicant was present to answer questions. Discussion included that he is buying the land from his in-laws. With the spring flood they have looked into a new location but want to continue on with this application just in case.
 - Commissioner Bode stated she was concerned with the area and potential for water or flood insurance. She questioned if the location were to be moved within the same quarter if it would have to be noticed again to which the answer would be yes.
 - Commissioner Haines questioned if there is a date this variance would expire or if it continues on? The answer was that the applicant would have 2 years to obtain a building permit for the variance and have 18 months to finish the house or ask for an extension, so realistically there is a 3.5 year window they have to decide what they are going to do.

- After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Steve Thiesse, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Vacant, Thiesse – aye, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
8. Considered a Plat of Lots 5 & 6 of D. & D. Longs First Addition a subdivision of Irregular Tract No. 3 in the Northeast Quarter of Section 23, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of D. & D. Long.
- Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This falls within the ETJ and is city jurisdiction. City Council passed it on April 1, 2019. The potential buyers have been in contact with the City of Mitchell to hook up to city sewer and water and the possibility of being annexed into town at a later date as well as the cost associated to paving Matti Street.
- Motion by Charles Storm, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Vacant, Thiesse – aye, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
9. That Jarod Klock has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a concentrated animal feed operation in the Ag District.
- This request is in pursuant to Section 304 (10) and Section 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as SE 1/4 of Section 31, T 102N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Letters were mailed out to the neighbors and it was published in the paper. There was no response for or against.
 - The applicant was present to answer questions. Discussion included that this will be a 2,400-head finish swine over 55 pound which is 960 animal units. Jarod was approved for a barn in September of 2018 across the road and is now moving it to this location. To fit within the regulations of the Davison County Zoning Ordinance he will be 300' from the east ROW, 410' from the south ROW and 1,320' from his closest neighbor to the SE Gary Klumb. The only two things thing that change from his previous plan is that he is now doing this on his own and the layout of the facility is mirrored to go across the road. He will not build the other barn if this CUP is approved. His NMP is being looked over again at the state level and will not require a water permit.
 - Commissioner Bode was happy to see his whole family was there to show support of the project. She questioned when construction would be to which Jarod answered late spring or early summer depending on when he could get fit in with Ethan Co-op and how the weather cooperates. Commissioner Bode stated she has concerns over current road conditions, not just to that location but all over the county.

- Commissioner Haines questioned timeline of expiration of the previous site's CUP to which was answered that would expire in 24 months if not used. There have only been a handful CUP's that have expired due to not being used.
- Commissioner Haines opened up the floor for public comment.
- Peggy Greenway stated she supports the family farm project.
- Commissioner Haines closed the public input portion.
- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Charles Storm, to recommend approval of the Conditional Use Permit with the following conditions to the Board of Adjustment with facts and findings as presented.
 1. Comply with all state and federal regulations.
 2. Comply with all sections of the Davison County Zoning Ordinance.
 3. Have a nutrient management plan in place.
 4. Have a written plan for the site to address cleanup and disposal of the structures when the economic life of the building has expired. The life of the building shall be considered expired if no animals occupy the building in a 12-month period.
 5. All manure shall be injected.
 6. Road maintenance agreement with the Davison County Highway Department.

Roll call vote:

Haines – aye, Vacant, Thiesse – aye, Storm – aye,

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

10. That Jarod Klock has appealed to the Davison County Planning Commission to recommend granting a variance for setback from a non-participating residential dwelling of +/- 230 feet resulting in a setback from a non-participating residential dwelling of +/- 1,090 feet from a CAFO where the required setback is 1,320' in the Ag District, setback from the east right of way of +/- 100 feet resulting in a setback of +/- 200 feet from a CAFO where the required setback is 300' in the Ag District, and setback from the south right of way of +/- 100 feet resulting in a setback of +/- 200 feet from a CAFO where the required setback is 300' in the Ag District.
- This request is pursuant to Section 309(3f)(3h) and 309(6) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as SE 1/4 of Section 31, T 102N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Letters were sent out to the neighbors and it was published in the paper with no comments for or against.
 - The applicant was present to answer questions. Discussion included that Jarod is moving this further into the corner of the section to save on farm ground. He has a signed paper from Gary Klumb stating he is okay with the distance. This is only a change of distance to what was approved for his barn across the road back in September of 2018. He was given a variance to be 200' from the west and south ROW before.

- After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Steve Thiesse, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Vacant, Thiesse – aye, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.

11. Additional Comments from the Group.

- That Sarah DeWald has submitted a letter asking to move her variance in lot size to a new location from what was approved at the January 15, 2019 meeting due to a hardship of water from this year's flooding resulting in changing the layout of the site. The size of the variance remains the same at 3.01 acres and is within the same boundary of the previous approved variance. The plat has not been recorded and will keep the same legal but change the location. There were no objects at any of the previous meetings about this variance or plat. Deputy States Attorney Taylors opinion, "in this case a previously unknown, but now obvious, special characteristic/circumstance requiring a MINOR adjustment of the boundaries of the varied tract, keeping it all within the previous tract of which notice was previously given, and the modification requested is insignificant in size, scope, or change - maintaining the original size, scope, and use but only rescaling the length and width of the platted tract to avoid the previously unknown special characteristic."
- Planning and Zoning has received a complaint about burning trash in the ETJ which is under city jurisdiction for zoning but under county for nuisance. Jeff has contacted DENR about the rules and regulations about this as well as emailed Deputy States Attorney Taylor on his opinion. This is one of the main issues that needs to be cleaned up and worked on between the city and county while working on updating the comprehensive plan.

12. Set date and time for next meeting – May 7, 2019 @ 7:00 P.M.

13. At 8:22 P.M., a motion by Brenda Bode seconded by Steve Thiesse to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairman



Mark Jenniges
Deputy Director of Planning & Zoning