



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES
November 5, 2019

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Dave Anderson, Brenda Bode, Kim Weitala, Jeff Bathke, Mark Jenniges.
 - Absent: Lewis Bainbridge.
 - Guests: Dave & Dixie Schladweiler, Paul Kiepke, Britt Bruner.
3. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the October 1, 2019 Minutes.
 - Motion by Charles Storm, seconded by Dave Anderson, to approve the October 1, 2019 proposed minutes. All members voted aye, motion carried.
6. Public input-none.
7. Considered a Plat of KFI Tract 1, a Subdivision of the NW 1/4 of Section 15, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Peggy Kelley.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions, however Paul Kiepke was there from SPN on her behalf. Peggy is selling her current home to the City of Mitchell and this is where she is planning to move to. This is a 30-acre parcel, so a variance is not required. She is using the existing approach. ProBuild is building her house and it seems to be up on a hill and it will be slab on grade. There has been water on the east side of this parcel, but it should not affect her house as it is far enough away, up on a hill, and slab on grade.
 - Motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
8. That Jesse Hanson has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 20.35 acres to create a lot size of +/- 4.65 acres where the minimum is 25 acres in the Agricultural District.
 - This request is in pursuant to Section 307 (1)(5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Tract 1 of Jesse's Addition in the SE 1/4 of Section 14, T 104N, 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 sent out to the neighbors and published in the paper and there were no responses for or against this.

- The applicant was present to answer questions. Discussion included the applicant bought a parcel of land a few years ago that was previously sold by measurements in 2004. He would now like to put up a shed but cannot because it is described by measurements so his land has to be platted but also needs the variance because it was done in 2004 after the ordinance went into effect. By doing all of this he will be in compliance with the Davison County Zoning Ordinance. It is by definition a farmstead, which the ordinance does allow.
 - Commissioner Bode complimented Jesse on how nice his farmstead looks and all the cleaning up he has done to property.
 - After consideration of the 1106 B-Variances, a motion by Kim Weitala, seconded by Dave Anderson, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
9. Considered a plat of Tract 1 of Jesse's Addition in the SE 1/4 of Section 14, T 104N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Jesse Hanson.
- Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat goes along with #8 on the agenda that was previously discussed.
 - Motion by Dave Anderson, seconded by Brenda Bode, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
10. That Schladweiler Construction has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the W 1/2 of NW 1/4 EX H1 & H2 & Ex Lots A& B of Puetz's Subdivision of Section 11, T 101 North, Range 60 West of the 5th P.M., Davison County, South Dakota and E 1/2 of the NW 1/4 of Section 11, T 101 North, Range 60 West of the 5th P.M., Davison County, South Dakota
- This request is pursuant to Section 304(14) 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. Notices were sent out to the neighbors and published in the paper and there were no responses for or against this.
 - The applicant was present to answer questions. Discussion included that this mining operation had been turned into the PZ office for illegal mining. They had a state permit but not a CUP from the county.
 - Chair Haines asked for clarification on the bonds that are held on the land and how many holes they can open on a site. It was explained they have a \$20,000 bond with the state for this location. The state comes and inspects the site every year and with the expansion of a site the bond increases. They can open a new pit on the site but that would essentially cause them to have a separate bond. It is best practice to work on one pit and finish there before opening a second cut. They have to do reclamation of the land after they are done with it.

- PZ Administrator Bathke brought up the fact that in the ordinance it states if a CUP is not being used for 24 months it goes away and they would have to reapply, but it is not uncommon for pits to not be used for years at time and this is something that needs to be looked at.
 - Commissioner Anderson believed that if they are paying their dues every year and the state is visiting and inspecting the site, that is an active pit even though they are not actually in there mining it every year.
 - After consideration of the 1106 A-Conditional Uses, a motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the Conditional Use Permit to the Board of Adjustment with the condition that if the fees are paid to the state every year and the state is inspecting the site it is considered an active site and the 24 month rule per the zoning ordinance is not in affect. Roll call vote: Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
11. That Britt Bruner has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 18.673 acres to create a lot size of +/- 6.327 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 will be legally described as Plat of Lot 1 of Mirky's Addition, in the S 1/2 of the SE 1/4 of Section 11, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper and there were no responses for or against this.
 - The applicant was present to answer questions. Discussion included Britt is one of a few owners on the land, so the it is going to his nephew which is also the son of another owner. This has been pasture land in the past and will require some trees to be cut down. There are some water issues on the northeast corner of the lot but there is enough buildable space for a residence.
 - After consideration of the 1106 B-Variations, a motion by Steve Thiesse, seconded by Dave Anderson, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote: Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
12. Considered a Plat of Lots 1 & 2 of Mirky's Addition, in the S 1/2 of the SE 1/4 of Section 11, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Britt Bruner.
- Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This goes along with item #11 on the agenda that was previously discussed. This does fall within 3 miles of the city and they have already approved it. Lot 2 will go along with the house that was previously platted and no variance is needed for that since they are two separate parcels.
 - Motion by Brenda Bode, seconded by Kim Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:

Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.

13. Considered a Plat of Tract 1 of LeFort's Addition, being a subdivision of Lot B, in the SE 1/4 of Section 9, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Willard (Scott) Meyer.

- Deputy administrator Jenniges gave an explanation of the plat.
- The applicant was not present to answer questions. Mr. Meyer was granted a variance in lot size at last months meeting, this is just the next step in the process.
- Motion by Dave Anderson, seconded by Brenda Bode, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – absent, Bode – aye, Weitala – aye, Anderson – aye, motion carried.

14. Kannegieter discussion.

- PZ Administrator Bathke gave a recap of the previous meetings. At the September meeting the CUP was tabled to give the applicant 30 days to clean up the property. At the October meeting one 30-yard roll off of tin and other small items had been removed. There was another roll off on the property. He had shifted items from one side of the property to the other side. Administrator Bathke had talked with H&R Salvage and they can remove all the pallets and grind them as well as all the metal and vehicles. Recommendation was that if substantial progress was not made by November 1st, we notify the applicant the matter will be forwarded to the Board of Adjustment. It would be assumed the BOA would find the property in violation of the ordinance and request the States Attorney move forward with prosecution.
- Bathke and Deputy Administrator Jenniges have driven by the site a few times over the past month and a tub grinder has been erected for the pallets but did not seem like many pallets had been removed.
- Joel, his wife, and son were at the took exception to the report and said they have been working very hard to clean things up out there. They have taken several loads of wood chips to Iowa and should only need two or three more. They have had 4 rolloffs taken off their property and many semi loads hauled to H&R salvage. Conditions are not great at their site due to the wet fall. They are going to finish the pile of pallets and keep a few vehicles back that they are going to work on and the construction equipment and they will be done cleaning up. AJ was going to move back and build a house on the property but with all of this he will not do that anymore. They will not need the CUP anymore either.
- Deputy Jenniges will be in contact with them at the end of November/beginning of December to monitor their progress. Joel stated they could have it cleaned up by then. This is done at Planning and Zoning Commission and will move to Board of Adjustment if needed at that time.

15. Additional Comments from the Group.

- Comprehensive plan meeting @ the Davison County Fairgrounds on Tuesday November 12, 6:00 P.M.

16. Set date and time for next meeting – Dec 3, 2019 @ 1:15 P.M.

17. At 8:44 P.M., a motion by Steve Thiesse seconded by Kim Weitala to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairman

Mark Jenniges

Mark Jenniges
Deputy Director of Planning & Zoning