



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES
October 6, 2020

1. Chairperson Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Dave Anderson, Kim Weitala, Brenda Bode, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent:.
 - Guests: Chet Edinger.
3. Consider the amended agenda.
 - Motion by Lewis Bainbridge, seconded by Dave Anderson, to approve the amended agenda. Roll call vote:
 - Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the amended September 11, 2020 Minutes.

Motion by Steve Thiesse, seconded by Charles Storm, to approve the September 11, 2020 amended minutes. Roll call vote:

Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
6. Public input for items not on the agenda-none.
7. That Robinson Housemoving Inc has appealed to the Davison County Planning Commission to recommend granting a variance for side yard setback of +/- 22' from an existing shed resulting in a +/-28' setback from a property line where the minimum is 50' in the Ag District.
 - This request is in pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Plat of Lot 3 of L. Robinson's First Addition, a subdivision of the southerly 936' of the easterly 932.2' of the SE 1/4 of Section 24, 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 with no responses.
 - The applicant was not present to answer questions. Discussion included the applicant platted their land last month and the new boundaries have created the need for the variance on the property for the existing sheds. Both sheds are the same distance from the property lines so they can be done under the same variance.
 - After consideration of the 1106 B-Variances, a motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.

8. Considered a Plat of Lift Station Tract 1, a subdivision of Irregular Tract No. 3 in the SW 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 Inc.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. The applicant is parceling off the land for the city to put a new lift station on. This is within 1 mile of the city, so they have zoning jurisdiction over it. City planning commission has recommended approval and council will hear it in two weeks.
 - Motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
9. That Chipp Gerlach has appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback of +/- 55' resulting in a setback of +/- 20' from the right of way, where the minimum is 75' in the Agricultural District.
 - This request is in pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Plat of Lot A of W G Wieczorek's 1st Addition, a subdivision of the W 1/2 of Section 9, T 102N, R 62 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 with no responses.
 - The applicant was not present to answer questions. Discussion included the applicant would like to build a shed where the trees were that blew down in a summer storm that were there to help protect his cattle. To move the shed south would create a hardship of moving in to much fill and going further east he would have to move fences and there would be no solid ground to build on in the cattle yard. The applicant will go as far east as possible with the shed. A photo of the area where the trees were was presented at the meeting which is now just bare ground.
 - After consideration of the 1106 B-Variances, a motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
10. Considered a Plat of Lot 2 of Lemke Addition, a subdivision of the west 372' of the SW 1/4, Except Lot H-1; and the west 372' of Lot W, all in the SW 1/4 of Section 27, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Arden & Jeannette Lemke.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. The applicant is auctioning off a piece of land so and it was previously described by measurements. They were told it had to be platted to obtain title insurance on the property. County Planning and Zoning is not the one requiring this, as they can not stop someone from selling land.

- Motion by Charles Storm, seconded by Dave Anderson, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.

11. That Tom Freidel 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 Ag District.

- This request is in pursuant to Section 304(14) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NE 1/4 of the NE 1/4 and the NW 1/4 of NE 1/4 and the S 1/2 of the NE 1/4 all of Section 16, T 101N, 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 to the neighbors and it was published in the paper with one phone call inquiring what was going on and a letter was received stating some concerns of dust control and road conditions. The letter was emailed out to the board prior to the meeting. At last month's BOA meeting the board put the following two conditions on the mining CUP, that dust is mitigated to the satisfaction of the Davison County Highway Superintendent and that if 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 effect. Also, discussion of more truck traffic in the area that lowering speed limits and changing yield signs to stop signs might be done in the future with a resolution by County Commission. The Highway Superintendent and Sheriff were present at the meeting and were in favor of those changes.
- The applicant was present to answer questions. Discussion included the state has already approved the location. The permit is a rolling permit of 5 acres at a time till 2052. The applicant will hold the bond himself and will strip and reclaim the land himself as well.
- Commissioner Anderson asked how much dust there is while mining to which the applicant stated there isn't a lot because there is still moisture in the ground to help keep it down. The dust is mainly while transporting the product.
- Commissioner Haines asked how deep the existing hole is to which the applicant answered about 20' but has water in it now and that was dug 40 years ago. That hole is on a knoll and that's why it's deeper than most. The test drills have shown gravel down to about 10' for most of the land.
- After consideration of the 1106 A-Conditional Uses, a motion by Kim Weitala, seconded by Steve Thiesse, to recommend approval of the Conditional Use Permit with the conditions that dust is mitigated to the satisfaction of the Davison County Highway Superintendent and that if 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 effect. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.

12. That Mark & Barbara Meier have appealed to the Davison County Planning Commission to recommend granting a variance in minimum front yard setback of +/- 25' for an existing residence resulting in a setback of +/- 50' from the right of way, where the minimum is 75' and minimum lot size +/- 19.62 acres for an existing farmstead resulting in +/-5.38 acres where the minimum is 25 acres, all in the Agricultural District
- This request is in pursuant to Section 307(1) and 308 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 BAM Addition in the SW 1/4 of Section 21, T 104N, R 62 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 with no responses.
 - The applicant was present to answer questions. Discussion included the applicants current farmstead was described by measurements, so they platted it with the existing house being non-conforming for front yard setback. They increased the existing farmstead +/- .19 acres to avoid other variances for the existing sheds while they did some estate planning of the surrounding land and property lines. They were originally going to plat the left side and the right side for only 2 parcels but after discussion with Planning and Zoning they decided to do 3 due to banks not wanting to have a mortgage on more than 6 acres.
 - After consideration of the 1106 B-Variances, a motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
13. Considered a Plat of Lots 1, 2 & 3 of BAM Addition 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 Mark & Barbara Meier.
- Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat goes along with item #12 on the agenda. They were originally looking to put Lot 1 and Lot 2 as one parcel but after discussion of in the future someone trying to purchase that much land for a mortgage it was decided to do them separately. They can still be sold to one person, just the mortgage is only on the 5.38 acres. So, this is really estate planning.
 - Motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
14. Considered a Tract P, Wild Oak Golf Club Addition, a subdivision of irregular tracts No. 3A and No. 4 in the NW 1/4 of Section 23, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Roland & Noreen Young.
- Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat is located within the 1 mile of city limits so zoning will be through the city. City Planning has

recommended approval of the plat. At this time there has been no mention of developing the land it is simply being platted for conveying purposes.

- Motion by Steve Thiesse, seconded by Charles Storm, to recommend approval of the plat to the County Commissioners. Roll call vote:

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

15. Additional Comments from the Group-none.

16. Set date and time for next meeting – November 3, 2020 @ 7:00 P.M.

17. At 8:02 P.M., a motion by Lewis Bainbridge seconded by Kim Weitala to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairperson



Mark Jenniges
Deputy Director of Planning & Zoning