

DAVISON COUNTY PLANNING AND ZONING

Dan Sudrla
Zoning Administrator
200 East 4th Ave.
Mitchell SD 57301

Phone 605 995-8615
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Planning Commission Minutes January 10, 2012

1. Called to order at 1:15 P.M. by Zoning Administrator Sudrla
2. Roll call: Present- Bode, Weitala, Storm, Stadlman, Greenway, Haines and Zoning Administrator Sudrla
Absent- Kiner
3. Zoning Administrator calls for nominations from the floor for 2012 Chairperson. Bode nominates Haines. (Zoning administrator Sudrla ask a minimum of 3 times) Motion by Greenway that nominations cease and cast a unanimous ballot for Haines. All present voting aye. Haines elected 2012 Chairperson
4. Zoning Administrator call for nominations for 2012 Vice-Chairperson. Greenway nominates Stadlman. (Zoning administrator Sudrla ask a minimum of 3 times) Motion by Greenway to have nominations cease and cast a unanimous ballot for Stadlman. All present voting aye. Stadlman is the 2012 Vice-Chairman.
5. Zoning Administrator turned the meeting over to the 2012 officers.
6. Motion by Weitala, seconded by Greenway to approve the agenda. All voting aye. The agenda is approved as presented.
7. Motion by Stadlman, seconded by Storm to approve the minutes from the December 6, 2011 meeting. All voting aye. Minutes approved as presented.
8. Motion by Bode, seconded by Weitala to approve A SURVEY PLAT OF BEYER TRACT 1 IN THE NORTHEAST OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 101 NORTH, RANGE 61 WEST OF THE 5TH P.M., DAVISON COUNTY
Roll call vote: Aye- Bode, Weitala, Storm, Stadlman, Greenway and Haines
Nay- none
Absent- Kiner Plat approved!
9. Motion by Weitala, seconded by Bode to approve A PLAT R-S POTAS TRACT 1 IN THE NORTH ½ OF SECTION 26, T 102 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll call vote: Aye- Bode, Weitala, Storm, Stadlman, Greenway and Haines
Nay- none
Absent- Kiner Plat approved!
10. That Curtis L Mueller made application on November 22, 2011 a variance in front yard setback of less than 18'(ft) to place an addition on an existing pole shed. This request is pursuant to Section 517 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 75'(ft) will not be provided. The property was posted on December 21, 2011 and the applicant was

notified December 27, 2011 and notice was in the Daily Republic on December 30, 2011. The property is legally described as NE¼ of Section 11, T 101 N, R 61 W, Tobin Township, Davison County, South Dakota. There was not any testimony received from the public either in person or in written form.

After consideration of Section 1403 B. Variance a motion by Storm, seconded by Stadlman to recommend granting the variance as applied for.

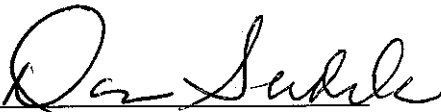
Roll call vote: Aye- Bode, Weitala, Storm, Stadlman, Greenway and Haines

Nay- none

Absent- Kiner The variance is recommended to be granted.

11. After a discussion with Brian McGinnis via the telephone and with the Auditor a date of January 24, 2012 to work with Brian McGinnis on development on a new comprehensive plan during the regular Commission meeting starting at 9:30 A.M.

12. Adjournment by Chairperson Haines 1:57 P.M.



01.7.12

Dan Sudrila CAA
Zoning Administrator

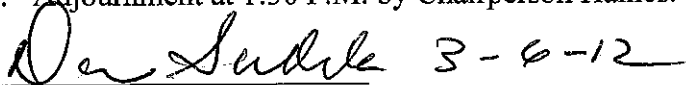
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Planning Commission Minutes February 7, 2012

1. Continuation of the review of the comprehensive plan survey results during the Davison County Commission meeting. This information was presented by Brian McGinnis from District III.
2. Called to order by Chairperson Haines at 12:00 P.M. in OEM conference room at the west end of the 1st floor of the Davison County Courthouse.
3. Roll call: Present- Haines, Stadlman, Storm, Bode, Greenway, Kiner (joined after County Commission meeting ended) and Zoning Administrator Sudrla.
Guests- Brian McGinnis and Mr. Schorzmman
4. Motion by Bode, seconded by Storm to approve the agenda with a discussion on rezoning with James Schorzmman. All voting aye. Agenda approved with the addition of the discussion item.
5. Motion by Greenway, seconded by Bode to approve the minutes from the January 10, 2012 meeting. All voting aye. Minutes approved as presented.
6. After a discussion and being informed by Zoning Administrator Sudrla that a cemetery was a permitted use in the Ag District there was a Motion by Greenway, seconded by Storm to Approve a SURVEY PLAT OF LOTS 1, 2 AND 3, BLOCK 1, OF OLD FAMILY CEMETERY A SUBDIVISION OF MOGCK TRACT 1 IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 101 NORTH, RANGE 61 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA
Roll call vote: Haines, Stadlman, Storm, Bode, and Greenway
Not present for vote: Kiner
All present voting aye. Plat approved as presented.
7. Set the date of February 28, 2012 at 1:30 P.M. for another meeting to work on the comprehensive plan with Brian McGinnis from District III. If there is not enough time to prepare the materials for the meeting it will be postponed.
8. There was a discussion with Jim Schorzmman about rezoning a parcel the he owns to commercial, so that he could place billboards on it. Mr. McGinnis told the board that he usually recommends not saying or indicating any possible outcome prior to the actual application.
9. Adjournment at 1:30 P.M. by Chairperson Haines.


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Planning Commission Minutes March 6, 2012

1. Called to order by Chairperson Haines at 1:15 P.M.
2. Roll call: Present -Bode, Weitala, Storm, Greenway, Kiner, Haines and Zoning Administrator Sudrla
Absent- Stadlman
Guests- Jeff Augbenbaugh, Gary Mogck, Jerry Buchholz, Dan Weiss and Wayne Lloyd
3. Motion by Greenway, seconded by Storm to approve the agenda with addition of discussion on the SDPA 2012 conference to be held in Lead, SD October 24-25. All present voting aye. Agenda approved.
4. Motion by Bode, seconded by Kiner to approve the minutes from the February 7, 2012 planning commission meeting. All present voting aye. Agenda approved.
5. That Loiseau Construction made application on January 31, 2012 for a temporary conditional use for a salvage yard-recycling center to recycle concrete for the reconstruction of I-90. A letter of service was sent to the current owner, the applicant was notified and the abutting property owners all were notified of the public hearings by mail on February 23, 2012. The property was posted and notice in the Daily Republic on February 24, 2012. This request is pursuant to Section 507.30 and 507.31 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as that portion of lot B lying within the NW¹/₄ of Section 29, T 103 N, R 61 W, Beulah Township, Davison County, South Dakota. A number of area residences were present to obtain information on the request. Troy Hart could not be present and had Jeff Augbenbaugh express to the board he was against granting it. After receive testimony from the applicant and from the public and consideration of 1403 A. Conditional Uses item 7. A-h A motion by Greenway, seconded by Kiner to recommend granting a temporary conditional use for the recycling of the concrete during the reconstruction of the I90.
Roll call vote: Aye- Bode, Weitala, Storm, Greenway, Kiner and Haines
Absent- Stadlman
The conditional use permit is recommended to be approved as applied for.
6. That Gary Mogck made application on January 29, 2012 for a conditional use for a cemetery. The applicant was notified and the abutting property owners all were notified of the public hearings by mail on February 23, 2012. The property was posted and notice in the Daily Republic on February 24, 2012. The applicant request for a conditional use for a private cemetery which would consist of three burial plats. This request is pursuant to Section 507.8 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The

property is legally described as the Mogck Tract 1 in the SE¼ of Section 23, T 101 N, R 61 W, Tobin Township, Davison County, South Dakota.

After receive testimony from the applicant and none from the public and consideration of 1403 A. Conditional Uses item 7. A-h A motion by Kiner, seconded by Storm to recommend granting a conditional use for a private cemetery with the conditions of abiding by all state laws.

Roll call vote: Aye- Bode, Weitala, Storm, Greenway, Kiner and Haines

Absent- Stadlman

The conditional use permit is recommended to be approved as applied for.

7. Discussion on the SDPA conference that is October 24-25, 2012 in Lead SD and that a reduced cost would offset the membership cost. Kiner thought he would go!

Discussion on West Havens Ave and the number of property owners parking cars and junk or wrecked cars. One business has employees that park in the R-O-W.

Zoning Administrator Sudrla was to contact Brian McGinnis from District III on see if the afternoon of April 3, 2012 after the Planning Commission meeting or at 7:00 P.M. on that same day would work.

8. Adjournment at 2:22 P.M. by Chairperson Haines.

 04.03.12

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Planning Commission Minutes April 3, 2012

1. Called to order at **1:16 P.M.** by Chairperson Haines in the 3rd floor Courtroom.
2. Roll Call: Present- Haines, Stadlman, Storm, Bode, Greenway, Weitala,
Zoning Administrator and Betty Hegge Admin. Assistant
Absent- Kiner
Guests- Dan Boehmer, Bradley J Hohn, Steven J Hohn, Carol GerlachNorbet Gerlach, Rusty Weinberg, Mark Meier, Doug Mueller, Darrell Mueller ? Tim Whalen, Matt Storm, Jared Storm, Dana Truesdell ?, Larry Hash, Brad Greenway, John Jones, Thomas Smith, David Truesdell, Larry Hostler, Dale Larsch, Wayne Gronseth, Doug Houser ?, Lewis Bainbridge, Randy Molter ?, Jason Semmler, Richard Gerlach, John Jerke, Glen Titze, Theresa Mueller, Marilyn Mueller, Brian Mueller, Danny Mueller, Jessica Mueller, Peg Greenway, Randy Bult, Paul Jerke, Bridget Bame, Neil Putnam, Ralph Wallace III, Loren Skinner, Wayne Witzel, Barry Kerkaerl, Lorin Pankratz ?, Rich D ?, Neil Bainbridge, Gregg Bult, Dwain Scheetz, Kathy Scheetz, Kevin Deinert, Mike Deinert, Paul Reiland, Kyle Wieczorek, Sheryl Wieczorek, Betty Moller, Craig Moller, Ivan Bialas, Ed Sigmund, Deb Schuver, Lyle Reimnitz

Tom Eilertson, Braden Feller, Zach Meinders, Adam Deutz, Heather Malakowsky, Amy Paulzine, Cameron Pewe, Derek Krosschell, Benjamin J Manigold, Joseph Henning, Ryan Schroeder, Jake Helberg, Tyler Moser, Seth Johnson, Mandy Peterson, Isaac Anderson, August Bortz, Alex Will, Eric Jolitz, Olivia Swanson, Karisa Donahue, Britney Kaufman, Stephanie Herman, Shelby Luden, Andrea Diehn, Kelsey Begalka, Kathy Korrt ?, Lori Luler, Stephanie Lubben, Jen Fasching, Josh Twedt, Jared Werning, Grant Raml, Pete Schwartz, Tyler Rahn, Alex Kluustermeier, Jordan Bird, Bob Theler
3. Motion by Greenway, seconded by Stadlman to approve the agenda. All Voting present voting aye. Agenda approved as presented.
4. Motion by Bode, seconded by Storm to approve the minutes from the March 6, 2012 meeting. All present voting aye. Minutes approved as presented.
5. After considerable discussion on a possible ownership on property line or an existing fence, there was indication of a verbal agreement was reached that would clear up the situation. It was also stated by Zoning Administrator Sudrla that the plat was the way the owners of record as recorded in the Register of Deeds Office and any disputes is outside the realm of this Board. Motion by Greenway, seconded by Storm to approve A PLAT OF JIM TOWN TRAIL CONSERVATION EASEMENT TRACT 1 IN PREVIOUSLY PLATTED LOT 3 IN THE NW ¼ OF SECTION 11; JIM TOWN TRAIL CONSERVATION EASEMENT TRACT 2 IN PREVIOUSLY PLATTED LOT 1 IN THE NE ¼ OF SECTION 10; AND JIM TOWN TRAIL CONSERVATION EASEMENT TRACTS 3 AND 4 IN PREVIOUSLY PLATTED LOT 1 IN THE SE ¼ OF

SECTION 10; ALL IN T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

Roll call vote: Aye- Weitala, Greenway, Bode, Storm, Stadlman and Haines
Nay- None

Absent- Kiner Plat approved as presented.

6. That Paul Jerke-Paul's Towing made application on March 1, 2012 for a condition use permit to operate a towing business out of his residence. This request is pursuant to Section 609 of the Davison County Zoning Ordinance was adopted on 4/1/98 and as subsequently amended. All Business activities that are not listed require a conditional use permit. The notice was in the Daily Republic, the property was posted, applicant was notified and all abutting property owners were notified on March 23, 2012. The property is legally described as Lot A-3 SE $\frac{1}{4}$ of Section 15, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota. Paul Jerke presented to the Planning Commission that he would like to operate his towing business from the residential property he recently purchased. There were two letters received against granting (Dale Moke and Quinten Shultz) due to past history, that type of business tends collect inoperable vehicles and with the driveway being on Highway 37 and on top of Enemy Creek hill as major safety concern. Mr. Shultz indicated in his letter of burning of all types of materials which has an offensive odor. He also stated that if granted with conditions his history of not abiding by cease and desist orders would he abide by the conditions. Several of the neighbors who have lived next to John Jerke's where the wrecker had been operating from and have witnessed activities that have continued between Paul's new place and his dad's even after the cease and desist. Also gave testimony against granting the permit. After consideration of 1403 A. Conditional Uses and testimony received by Mr. Jerke on behalf of his own application and from the neighbors opposed to the permit being granted. , noting safety concerns with the location on Highway 37 and on Enemy Creek hill, motion by Bode, second by Greenway to recommend denial of the Conditional use permit.

Roll call vote: Aye- Weitala, Greenway, Bode, Storm, Stadlman and Haines
Nay- None

Absent- Kiner Recommend denial of Conditional use permit

7. That Neal Bainbridge made application on March 19, 2012 a variance in the lot size of approximately 8 acres to create an approximate 17 acre lot for a future farmstead and to build a new residence. This request is pursuant to Section 513 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The notice was in the Daily Republic, the property was posted and applicant was notified on March 23, 2012. The property is legally described as the SW $\frac{1}{4}$ of Section 7, T 101 N, R 60 W, Rome Township, Davison County, South Dakota. The applicant explained that this is to be a farmstead for his farming operation and would like to build a new house on this parcel. There was no testimony from the public in favor or opposed to the variance being granted. After consideration of 1403 B. Variances a motion by Stadlman, second by Storm to recommend granting the variance as applied for.

Roll call vote: Aye- Weitala, Greenway, Bode, Storm, Stadlman and Haines
Nay- None

Absent- Kiner Recommend granting the variance in lot size.

8. That Stan or Patti Nielsen made application on March 19, 2012 a variance in the lot size of approximately 22 acres to create a 3 acres lot to build a new residence. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as

adopted on 4/1/98 and as subsequently amended. The required 25 acres will not be provided. The notice was in the Daily Republic, the property was posted and applicant was notified on March 23, 2012. The property is legally described as the SW¼ of Section 29, T 104 N, R 61 W, Badger Township, Davison County, South Dakota. Stan Neilson explained his plans for the new lot. Mark Meier spoke against on behalf of owner of the property to the north Chris Culhane. After consideration of 1403 B. Variances a motion by Greenway, second by Bode to recommend granting the variance as applied for with the condition platting and AG-Covenant

Roll call vote: Aye- Weitala, Greenway, Bode, Storm and Haines

Nay- Stadlman

Absent- Kiner Recommend granting the variance in lot size.

9. That Stan or Patti Nielsen made application on March 19, 2012 for a conditional use for a septic system more than 350' from Firesteel, but less than 660'. This request is pursuant to Section 1211 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The notice was in the Daily Republic, the property was posted, applicant was notified and all abutting property owners were notified on March 23, 2012. The property is legally described as the SW¼ of Section 29, T 104 N, R 61 W, Badger Township, Davison County, South Dakota. The applicant gave an explanation of what he was doing and brought in the plumber whom had completed the perc test. The results of the perc test indicate that the soils are conducive for an individual waste water system. (Septic tank and drain field). A fax was received from Chris Culhane indicating that he objected to septic system in the SW ¼ of Section 29, T 104 N, R 60 W. After consideration 1403 A. Conditional Use, motion by Storm, second by Greenway to recommend the Conditional use permit.

Roll call vote: Aye- Weitala, Greenway, Bode, Storm and Haines

Nay- Stadlman

Absent- Kiner Recommend granting Conditional use permit

10. That Daniel Mohr made application on March 19, 2012 a variance in the lot size to add land to existing acreage. This request is pursuant to Section 516.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The lot size will be an additional 6.65 acres adjoining. The notice was in the Daily Republic, the property was posted and applicant was notified on March 23, 2012. The property is legally described as Lot 3B ex Witzel Tract 1 and ex H1 and ex Lot A in the SW¼ of the SW¼ of Section 10, T 104 N, R 60 W, Perry Township, Davison County, South Dakota.

After consideration of 1403 B. Variances a motion by Stadlman, second by Weitala to recommend granting the variance as applied for.

Roll call vote: Aye- Weitala, Greenway, Bode, Stadlman Storm and Haines

Nay- None

Absent- Kiner Recommend granting the variance in lot size.

11. Motion by Bode, second by Greenway to approve A PLAT OF WITZEL TRACTS 2 AND 3 IN THE SW ¼ OF SECTION 10, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNT, SOUTH DAKOTA.

Roll call vote: Aye- Weitala, Greenway, Bode, Storm, Stadlman and Haines

Nay- None

Absent- Kiner Plat approved as presented.

Planning Commissioner Storm citing possible perception of a conflict interest removed himself from board during discussion on item #12

12. That Jackrabbit Family Farm made application on March 19, 2012 for a conditional use for 3,088 animal units (swine production unit). This request is pursuant to Section 507.3 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The number of animal units requires a condition use. The notice was in the Daily Republic, the property was posted, applicant was notified and all abutting property owners were notified on March 23, 2012. A letter of service was sent to the current owners on March 23, 2012. The property is legally described as the SE¼ of Section 8, T 101 N, R 62 W, Baker Township, Davison County, South Dakota.

Prior to the start of the meeting the Davison County Planning Commission received a supplemental book to explain the proposed Jackrabbit Family Farm LLC. Luke Minion spoke on behalf of Jackrabbit Family Farms LLC and Pipestone Systems. It will be owned by producers/investors and is managed by Pipestone Systems from Pipestone MN. It will produce 140,000 of iso-wean pigs a year. They will be feed to market weight at locations in South Dakota, Iowa and Minnesota. This is a value added project with using 107,000 bushels of corn, 630 ton of soybean meal and 1900 tons of distiller grain. This will be a zero discharge site and will comply with all General Water Controls and apply for CAFO permit through the State. They had met with the Township Board and discussed the road and have had agree to come to an agreement the TWP Boards Attorney was drawing up an agreement for the township Roads affected.

Todd Van Maanen, PE with Eisenbraun & Associates, went through the application how it relates and complies with the Davison County Zoning Ordinance Article 5, Section 517 Animal Feeding Operation Performance Standards. Each of the items in this Section has been complied with or will be as a condition of the Conditional Use permit as applied for. He also provided within the book the waste management location with agreements for more than required acres for the facility. He also indicated preliminary site analysis including soil boring makes this a suitable site. The property is not located over a shallow aquifer with all aquifers being over 100' (ft) in depth. An odor potential map was provided with one residence close to the 96% annoyance free area and two within the 98% annoyance free area. There also was a plan for Odor and Dust control Guidelines for Animal Feeding Operation. Disposal of dead animals will be done by composting in the structure shown on site plan.

Tim Waylon Attorney for Baker Township on the road issue only said that he has been instructed to draft a road maintenance agreement for Baker Township and have it completed and signed prior the Board of Adjustment meeting on April 17, 2012.

Walt Bones Secretary of Agriculture for the State of South Dakota dais in support of the project that things have change in the last of 50 years! It will require more livestock to provide value added opportunities. This also with the current cost of land will provide opportunities for the youth.

Kevin Deinert a SDSU and a Davison County Residence spoke in favor of the project as a way to get back to the farm and participate in the family farm.

Lewis Bainbridge in agreement to valued added livestock, looks at this project favorably local employment opportunity

John Jones has been investor for 17 years and no farmers have went broke who have been associated with this group and was helped and he is willing help anyone else. He said livestock smells but with proper management it can be managed. Brad Greenway spoke in favor and has been associated with Pipestone Systems and in Bluestem and there are 5 neighbors within a mile. They professionally run and have set a good example with the Bluestem project. Ag people need to stand together as Agriculture. This is an opportunity to expand and help get the kids back to family farms.

Opponents

Dave Truesdell is the closet neighbor and is the valley. He is directly to the north. Do not have problem with hog barns or manure if they are next to the persons own them. I have a problem with dust and health issues.

Marilyn Reimnitz lives to the NW of the location and they did not know about until two weeks ago. She claimed they snuck it in and was hurt by the fact they were not contacted ahead of time. Was money going to be ahead of the residence of the county and that decision was on their (commissions) shoulders forever.

Teresa Mueller is a dairy farmer within a mile main concern is the roads and the smell. She knows livestock stinks. Have two children that farm with her and would like the Commissioners to take in the lives of the community.

Daryl Mueller the county approved a cattle operation a while back and if this was a cattle operation I would be in favor of it.. Hogs stink and submitted a petition to the Planning Commission & County Commissioners sitting as Board of Adjustment requesting they deny the Conditional Use permit for Jackrabbit Family farms (approx. 49 names on petition) He stated smaller units ok, but not large ones like this. It was stated that you want to be a good neighbor, how can they be a good neighbor if the neighbors do not want it.

Lyle Reimnitz The smell is offensive drove by others and they smell. Son in law would like to come back and build retirement home and this unit here would not. Five of the six neighbors are against it and still continue to proceed. Offended by being told no need to know who the investors are. Why in heavily populated area?

Norbert Gerlach Why wasn't he informed as owner of the land, just because he rents it out. This is not family operation. Why not on land that is where one person has two sections instead of here.

Doug Mueller not in favor or against. Visited Blue Stem and smelled it from 1.3 miles. Would not want to live within 1 mile of the site. Lives 3 miles and hopes he cannot smell it. He is allergic to it as other family members. Has concern for those within the 1 mile area.

Wayne Gronseth Works with operations involved limited amount of smell. Bluestem is not too bad of smell. Newer facilities are a lot better in control of smell.

Two letters that were received were read by Zoning Administrator Sudrla

1. Melanie (Reimnitz) Weerheim was against granting do to environmental issues, possible spills and would like to build on her parents some day when her husband retires from USN and the location of Jackrabbit Family Farm unit would ruin that possibility. Signed by Melanie Veerheim and Shannon D. Meyers USN
2. Linda L Gregor Against this confined hog operation being at this location. Major concerns are environmental, manure disposal, surrounding odor problems and declining property values.

Luke Minion to address smell and health concerns! Pigs do smell. Bio-filters to help minimize odor, trees around to help dissipate the smell, confidence in the odor maps being a reality. The operation is family farms and managed by Pipestone Systems. Apologized for poor communication, should have communicated better and not intend to stay under the radar. The roads situation will be addressed. Communicating with a large group nearly impossible. We have met all the requirements of the Davison County Ordinance. They have a good track record in Davison County.

Closed the public hearing portion.

Questions by the Board

- 1 Water Source- drill Wells if good water or rural water and will have above ground storage.
- 2 Life Span of facility- 20 to 30 years industry will change but building will still be up
- 3 Clean up plan- up to board – bulldoze and bury
- 4 Onsite crises plan-alarm system, temperature, fans, fire, loss of power has generator, alarm has list of people that it calls to go to the site.
- 5 Fire buildings connected by hallways- tractor on site push hallways stop spread
- 6 Roads Engineer documented current conditions
- 7 Stadlman concerns on organism, contamination in the low areas due to run off from this as it is on a high elevation and will not percolate
Response- All containment under building that is reinforced concrete and on clay based on borings- All runoff clean water- no lagoon required- barns way above any drainage issues, storm water permit obtained during construction.
8. Greenway- It all smells, pigs, cows etc. He has 2400 head across the road and smell is not a problem. We need to support the economy, livestock is part of The economy cannot buy refusing permits due to smell.
9. Stadlman- Compost dead animals and runoff from it.
Response- Reinforced concrete, tilted back with a roof and uses wood chips good water runs off and compost in the nutrient management plan

After consideration considering testimony received from the applicant on the proposed plan and taking testimony from the opponents and also consideration of Section 1403 B Conditional Uses and Section 517 Animal feeding operations performance standards.

Motion by Bode to recommend approving the conditional use permit for Jackrabbit Family Farms LLC as applied for with the following conditions

- 1. Obtain a signed agreement with the Baker Township up grading and maintaining township roads involved**
- 2. Include a plan working with the conservation service for a minimum of 5 row tree belt.**
- 3. Have a cleanup or disposal of the site in writing when the economic life of buildings is done**
- 4. Provide the special filters on all exhaust fans to reduce odor emissions**

Second by Weitala

Discussion after motion and second

Stadlman- concern about spills and getting into creek!

Response We have had no spills in 20 years, better chance of contamination from unpermitted cattle lots

Stadlman- Worried about coli, salmonella, etc

Roll call vote: Abstain- Greenway and Storm citing possible perception of a conflict of interest

Aye- Bode, Weitala and Haines

Nay- Stadlman

Absent- Kiner Motion carried

Jackrabbit Family Farms LLC is recommend for approval with following conditions

- 1. Obtain a signed agreement with the Baker Township up grading and maintaining township roads involved**
- 2. Include a plan working with the conservation service for a minimum of 5 row tree belt.**
- 3. Have a cleanup or disposal of the site in writing when the economic life of buildings is done**
- 4. Provide the special filters on all exhaust fans to reduce odor emissions**

13. MISC.-None

14. Adjournment at 4:45 P.M. by Chairman Haines

 5.1.12

Dan Sudrta CAA
Zoning Administrator

DAVISON COUNTY PLANNING AND ZONING

Dan Sudrla
Zoning Administrator
200 East 4th Ave.
Mitchell SD 57301

Phone 605 995-8615
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Planning Commission Minutes May 1, 2012

1. Called to order at 7:32 P.M. by Chairperson Haines
2. Roll call: Present- Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala and Zoning administrator Sudrla
Guests- Andrea & Scott Meyer, Gary Neugebauer, Eric Neugebauer, Jeff Snyder, Lou Sebert, Jerry & Janette Gebel, Bainbridge, Patti Nielsen and Monte Rice
3. Motion by Storm, seconded by Stadlman to approve the agenda as presented. All voting aye. Agenda approved as presented.
4. Motion by Greenway, seconded by Weitala to approve the minutes from the April 3, 2012 meeting. All voting aye. Minutes approved as presented.
5. Motion by Greenway, seconded by Storm to approve A PLAT OF SEBERT TRACT 1, A SUBDIVISION OF LOT A IN THE SW ¼ OF THE SW ¼ OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll Call vote: Aye-Weitala, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Plat is approved.

Motion by Bode, seconded by Stadlman to approve A PLAT OF TK TRACT 1 IN GOVERNMENT LOT 4, IN THE SE ¼ OF THE SW ¼ OF SECTION 7, T 101 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA
Roll Call vote: Aye-Weitala, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Plat is approved.

6. That Willard S. & Andrea M. Meyer made application on April 10, 2012 a variance in lot to create a 6.5 acre lot to sell and new owner would construct a residence. This request is pursuant to Section 513 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. This request is due to a medical condition. The property was posted, applicant notified and notice was in the Daily Republic on April 20, 2012. The property is legally described as Lot B in the SE ¼ of Section 9, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota. After consideration of 1403 B. Variances a motion by Greenway, seconded by Kiner to recommend grant the variance as applied for.
Roll Call vote: Aye-Weitala, Kiner, Kiner, Greenway, Bode, Storm
Nay- Stadlman and Haines Variance is recommended for approval.

7. That Jarold & Jeanette Gebel made application on April 12, 2012 a variance in lot size to separate the farmstead from the agricultural land. 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 farmstead will be approximately 21 acres. The property was posted, applicant notified and notice was in the Daily Republic on April 20, 2012. The property is legally described as the SE¼ of Section 16, T 104 N, R 60 W, Perry Township, Davison County, South Dakota.
After consideration of 1403 B. Variances a motion by Storm, seconded by Kiner to recommend grant the variance as applied for.
Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Variance is recommended for approval.
8. Motion by Greenway, seconded by Stadlman to approve A PLAT OF LOT 1 OF HILLTOP ADDITION IN THE SE ¼ OF SECTION 16, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Plat is approved.
9. That Eric Neugebauer made application on April 16, 2012 in lot size of approximately 22 acres to have a 3 acre lot to construct a residence. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 25 acres will not be provided. The property was posted, applicant notified and notice was in the Daily Republic on April 20, 2012. The property is legally described as the NE ¼ of Section 6, T 101 N, R 60 W, Rome Township, Davison County, South Dakota.
After consideration of 1403 B. Variances a motion by Bode, seconded by Stormr to recommend grant the variance as applied for.
Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Variance is recommended for approval.
10. Motion by Stadlman, seconded by Greenway to approve A PLAT OF SPRUCE ACRES TRACT A IN THE SE ¼ OF SECTION 35, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
(THIS PLAT VACATES PREVIOUSLY PLATTED LOT 1 IN THE SE ¼ SECTION 35, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA AS RECORDED IN PLAT BOOK 3 ON PAGE 48.)
Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Plat is approved
11. Motion by Stadlman, seconded by Greenway to approve A PLAT TRACT 1A OF CENTRAL ELECTRIC COOPERATIVE ADDITION. (BEING A REPLAT OF TRACT 1 OF CENTRAL ELECTRIC COOPERATIVE ADDITION, IN THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 28, TOWNSHIP 103 NORTH, RANGE 61 WEST OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.) (recommended a Ag-Covenant be required)
Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines
Nay- None Plat is approved

12. Motion by Greenway, seconded by Kiner to approve A PLAT OF HILLCREST FARM TRACT A IN THE EAST ½ OF THE NE ¼ OF SECTION 6, T 101 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines

Nay- None Plat is approved

13. Motion by Storm, seconded by Bode to approve A PLAT OF NIELSEN TRACT 1 IN THE SW ¼ OF SECTION 29, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY,

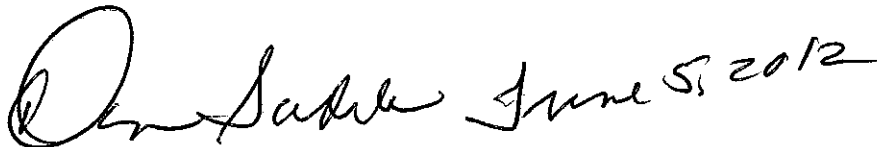
Roll Call vote: Aye-Weitalla, Kiner, Kiner, Greenway, Bode, Storm, Stadlman and Haines

Nay- None Plat is approved

14. With planting in full swing the planning commission will set a meeting time and date to work with Brian McGinnis from District III on the development of a new Davison County Comprehensive plan at the June meeting.

15. Misc. Discussion on the previous months zoning issues. No action taken.

16. Adjournment at 8:36 P.M. by Chairperson Haines.



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Planning Commission Minutes June 5, 2012

1. Called to order at 6:30 P.M. by Chairperson Haines.
2. Roll call- Present: Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala and Zoning administrator Sudrla
3. Motion by Greenway, seconded by Bode to approve the agenda. All present voting aye. Agenda was approved as presented.
4. Motion by Storm, seconded by Kiner to approve the minutes from the May 1, 2012 meeting. All present voting aye. Minutes approved as presented.
5. Motion by Greenway, seconded by Weitala to approve A PLAT OF LOTS F AND G OF J.A. HARRIS FIRST ADDITION, A SUBDIVISION OF LOT 2 IN THE WEST ½ OF THE WEST ½ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
(THIS PLAT VACATES THE REMAINDER OF PREVIOUSLY PLATTED LOT 2 IN THE WEST ½ OF THE WEST ½ OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.)
Roll Call vote: Aye- Haines, Stadlman, Storm, Bode, Greenway, Kiner and Weitala
Nay – None Plat approved.
6. Motion by Bode, seconded by Stadlman to approve A PLAT OF D. NEMEC TRACT A IN THE SE ¼ OF THE SE ¼ AND THE NE ¼ OF THE SE ¼ OF SECTION 36, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll Call vote: Aye- Haines, Stadlman, Storm, Bode, Greenway, Kiner and Weitala
Nay – None Plat approved
7. Called Brian McGinnis from District III and Set a June 26, 2012 at 7:00 P.M. to work on the comprehensive plan. The meeting will be held in the Davison County Courthouse
8. Misc. Discussed the July meeting which would be on July 3, 2012 and with the 4th of July the next day to postpone it for a week.

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Planning Commission Minutes July 10, 2012

1. Called to order at 7:30 P.M. by Chairperson Haines.
2. Roll call: Present-Haines, Stadlman, Greenway, Kiner, Storm, Weitala, Bode and Zoning Administrator Sudrla
Guests- Greg Plamp, Brent Swenson, Bob Swenson, Lyle Bode, Ken Bhaalid, Tom Winker, Randy Rezac, Jackie Rezac, Tony Rezac and Tony Carpote
3. Motion by Stadlman, seconded Kiner to approve the agenda. All present voting aye. Agenda approved.
4. Motion by Greenway, Seconded by Storm to approve the minutes from the June 5, 2012 meeting. All present voting aye. The June 5, 2012 minutes approved as presented.
5. That Bob Swenson made application on June 5, 2012 for a variance in lot size to separate the farmstead from the Ag land. This request is pursuant to Section 616.1.1 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property was posted, notice in the Daily Republic and the applicant was give notice by mail on June 29, 2012. The property is legally described as NW $\frac{1}{4}$ Ex H-2 and Ex West 428' of East 969' of the North 838' and Ex North 838.14' of West 1671' and Ex South 418' Less H-2 of Section 26, T 103 N, R 61 W, Beulah Township, Davison County, South Dakota.
After consider of Section 1403 B. Variances and Section 616.1 of the Davison County Zoning Ordinance and access to the balance of Ag land provided to the West a motion by Greenway, seconded by Bode to recommend granting the variance in lot size for a farmstead of approximately 5.5 acres with the conditions of platting an Ag Covenant.
Roll call vote: Aye- Stadlman, Greenway, Kiner, Storm, Weitala and Bode
Nay- none
The variance in lot aize for a farmstead of approximately 5.5 acres is recommended to be granted with the conditions of Platting and Ag-Covenant.
6. That Randal & Jackie Rezac made application on June 12, 2012 for a variance to split their lot so a family member can construct a new residence. 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 was posted, notice in the Daily Republic and the applicant was give notice by mail on June 29, 2012. The property is legally described as Lot A lying within the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 5, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota.
After consider of Section 1403 B. Variances and Section 616.4 of the Davison County Zoning Ordinance a motion by Stadlman, seconded by Storm to recommend granting the variance in lot size for a new lot of approximately 1 acre

and access to the South with the approach 50yd- 100 yd's west of intersection and with the conditions of platting an Ag Covenant.

Roll call vote: Aye- Stadlman, Greenway, Kiner, Storm, Weitala and Bode

Nay- none

The variance in lot is recommended to be granted with the access to the South and west of the intersection 50yd- 100 yd's and with the conditions of Platting and Ag-Covenant

7. That Lyle Bode made application on June 21, 2012 for a 55' (ft) variance to the East Row to construct a vehicle storage garage. This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 75' (ft) of front yard setback will not be provided. The applicant will provide only 20' (ft). The property was posted, notice in the Daily Republic and the applicant was give notice by mail on June 29, 2012. The property is legally described as E ½ of SE ¼ of NE ¼ of Section 10, T 104 N, R 62 W, Blendon Township, Davison County, South Dakota.

After consider of Section 1403 B. Variances of the Davison County Zoning Ordinance a motion by Greenway, seconded by Weitala to recommend granting the variance in setback of up to 55' (ft) to construct a vehicle storage garage due to the water concerns to the west.

Roll call vote: Aye- Stadlman, Greenway, Kiner, Storm, Weitala and Bode

Nay- none

The variance in setback of up to 55'(ft) is recommended to be granted as applied for due to the water way to west of said location.

8. Motion by Storm, seconded by Kiner to approve A PLAT OF TRACT 1-B OF STARLITE ESTATES, IN THE NE ¼ OF THE NW ¼ OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

Roll call vote: Aye- Stadlman, Greenway, Kiner, Storm, Weitala and Bode

Nay- none Plat approved.

9. After noting this will remain Ag use and does not require a variance in lot size a motion by Greenway, seconded by Stadlman to approve A PLAT OF NCBC TRACT 1 IN THE SE ¼ OF THE SW ¼ OF SECTION 13, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

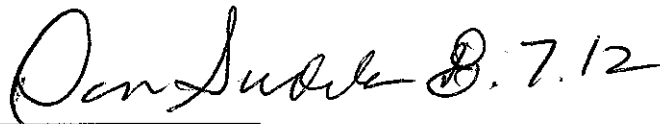
Roll call vote: Aye- Stadlman, Greenway, Kiner, Storm, Weitala and Bode

Nay- none Plat approved.

10. Set the date of August 7, 2012 at 7:00 P.M. for the next regular scheduled meeting and to work with Brian McGinnis from District III on the Comprehensive plan. The board will conduct the normal applications first. The board also requested Neil Putnam be there and explain the current Cities vision for the ETJ.

11. Misc. Zoning Administrator Sudrla handed out information on an enforcement action that was given to Planning Commission last meeting.

12. Adjournment at 8:45 p.m. by Chairman Haines.



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Planning Commission Minutes August 7, 2012

1. Called to order at 7:00 P.M. by Chairperson Haines.
2. Roll call: Present- Haines, Stadlman, Bode, Greenway, Kiner and
Zoning Administrator Sudrla
Absent- Storm and Weitala
Guest- Steve Thiesse, Dan Boehmer, Mataga, Greg Bult, Lyle and
Marilyn Reimetz Paul Reiland and Neil putman
3. Motion by Greenway, seconded by Kiner to approve the agenda with amending it to not having District III representative here. All present voting aye. Agenda approved..
4. Motion by Stadlman, seconded by Bode to approve the minutes from the July 10, 2012 meeting. All present voting aye. Minutes from July 10, 2012 approved.
5. Motion by Bode, seconded by Greenway to approve the minutes from the June 26, 2012 working meeting. All present voting aye. Minutes from June 26, 2012,
6. Motion by Bode, seconded by Greenway to approve A PLAT OF LOT 2-A, A SUBDIVISION OF LOT 2 IN SKYLINE ESTATES IN THE SOUTH 100 ACRES IN THE NW ¼ OF SECTION 14, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll call vote: Aye- Haines, Stadlman, Bode, Greenway, Storm, Kiner, Weitala
Absent- Storm and Weitala Nay- None Plat approved.
7. Motion by Bode, seconded by Stadlman to approve A PLAT OF LOT 1 JACKRABBIT ADDITION IN THE SE ¼ OF SECTION 8, T 101 N, R 62 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA
Roll call vote: Aye- Haines, Stadlman, Bode, Greenway, Storm, Kiner, Weitala
Absent- Storm and Weitala Nay- None Plat approved
8. That Larice Hamilton made application on July 18, 2012 for a conditional use permit for a rubble site, including construction building materials. The property was posted and notice was in the Daily Republic on July 27, 2012. The applicant and abutting property owners were notified by mail on July 26, 2012. This request is pursuant to Section 507.31 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot A of Hamilton's 1st Addition in the SE ¼ of Section 10, T 101 N, R 60 W, Rome Township, Davison County, South Dakota.
After receiving testimony from the applicant and the public and consideration of Section 1403 A. Conditional Uses a motion by Greenway, seconded Kiner to recommend granting with conditions of having a secure site, acquiring a State of South Dakota solid waste permit for rubble with construction materials, limited to a

maximum of one acre open and only for Larice Hamilton as user of record and limited to concrete, clean lumber and cardboard

Roll call vote: Aye- Haines, Stadlman, Bode, Greenway, Storm, Kiner, Weitala
Absent- Storm and Weitala

Nay- None Recommend granting the Conditional use permit with the following conditions- of having a secure site, acquiring a State of South Dakota solid waste permit for rubble with construction materials, limited to a maximum of one acre open and only for Larice Hamilton as user of record and limited to concrete, clean lumber and cardboard

9. That Winter Inc made application on July 7, 2012 for a conditional use for a temporary concrete batch plant for construction of Jackrabbit Family Farms swine facility. The property was posted and notice was in the Daily Republic on July 27, 2012. The applicant and abutting property owners were notified by mail on July 26, 2012. This request is pursuant to Section 509 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the S 808' of E 1064' in SE ¼ of Section 8, T 101 N, R 62 W, Baker Township, Davison County, South Dakota. After receiving testimony from the applicant and the public and consideration of Section 1403 A. Conditional Uses a motion by Bode, seconded Greenway to recommend granting temporary concrete batch plan having the air quality permit from the State of South Dakota, comply with the Baker Township road maintenance agreement Jackrabbit Family Farms LLC (Pipestone Group) and will be in affect from August 1, 2012 until December 31, 2012.

Roll call vote: Aye- Haines, Stadlman, Bode, Greenway, Storm, Kiner, Weitala
Absent- Storm and Weitala

Nay- None Recommend granting the Conditional use permit with the following conditions- the air quality permit from the State of South Dakota, comply with the Baker Township road maintenance agreement Jackrabbit Family Farms LLC (Pipestone Group) and will be in affect from August 1, 2012 until December 31, 2012.

10. Brian McGinnis from District III was unable to attend the meeting, but Neil Putnam from the City of Mitchell gave an update on the new city zoning ordinance and that the city is also redoing their comprehensive plan.

11. Misc. Discussed the SDPA workshop that is being held in Lead this year.

12. Adjournment at 9:16.5 P.M. by Chairperson Haines.


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Planning Commission Minutes September 4, 2012

1. Called to order at 7:00 P.M. by Chairperson Haines.
2. Roll call: Present-Haines, Stadlman, , Bode, Greenway, Kiner, Weitala and Zoning Administrator Sudrla
Absent- Storm
Guests- Leroy Dodd, Brian Dodd, Loren & Julie VanOverschelde, Chuck Mauszycki, Chuck Mauszycki Jr., Randy & Jackie Rezac
3. Motion by Greenway, seconded by Stadlman to approve the agenda. All present voting aye. Agenda approved as presented.
4. Motion Bode, seconded by Kiner to approve the minutes from the August 7, 2012. All present voting aye. Minutes approved as presented.
5. Motion by Stadlman, seconded by Kiner to approve A PLAT OF LOT 1 OF PARK ACRES FIRST ADDITION AND PARK LANE, IN THE NE ¼ OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll call vote: Aye- Haines, Stadlman, , Bode, Greenway, Kiner, Weitala
Nay- none Absent- Storm
Plat approved as presented.
6. Motion by Weitala, second by Bode to approve A PLAT REZAC'S ADDITION, BEING A SUBDIVISION OF LOT A, IN THE S. ½ OF THE S ½ OF SECTION 5, T102N, R60W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
Roll call vote: Aye- Haines, Stadlman, , Bode, Greenway, Kiner, Weitala
Nay- none Absent- Storm
Plat approved as presented.
7. Leroy Dodd made application on August 9, 2012 for a variance in lot size of approximately 17 acres to create an 8 acre lot for a family member to construct a residence. The property was posted, applicant notified and notice was in the Daily Republic on August 24, 2012. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the E ½ of the SE ¼ of Section 18, T 104 N, R 62 W, Blendon Township, Davison County, South Dakota.
It was noted that the Section number was incorrect in the Daily Republic and as this is recommending body and it was corrected for the BOA.
After consideration of Section 1403 B. Variance sand the testimony from the applicant a motion by Greenway, seconded by Stadlman to recommend granting as requested with the conditions of Platting and Ag-Covenant.
Roll call vote: Aye- Haines, Stadlman, , Bode, Greenway, Kiner, Weitala
Nay- none Absent- Storm
Recommend granting the variance as requested.

8. Motion by Bode, second by Stadlman to approve A PLAT L. DODD TRACT 1 IN THE SE ¼ OF SECTION 18, T 104 N, R 62 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

Roll call vote: Aye- Haines, Stadlman, , Bode, Greenway, Kiner, Weitala
Nay- none Absent- Storm
Plat approved as presented.

9. Loren VanOverschlde made application on August 20, 2012 for a variance in lot size of approximately 22 acres to create an 3 acre lot to construct a residence. The property was posted, applicant notified and notice was in the Daily Republic all on August 24, 2012.. This would separate the Ag land from a new residence. 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 required 25 acres will not be met. The property is legally described as the E ½ of the SW ½ and the SE ¼ of the NW ¼ of Section 36, T 104 N, R 61 W, Badger Township, Davison County, South Dakota.

After consideration of Section 1403 B. Variance sand the testimony from the applicant a motion by, seconded by Kiner to recommend granting as the Variance that would create a lot greater than 3 acres but less than 25 acres because the applicant was not sure of the location and size of the lot with the conditions of Platting and Ag-Covenant.

Roll call vote: Aye- Haines, Stadlman, , Bode, Greenway, Kiner, Weitala
Nay- none Absent- Storm
Recommend granting the variance.

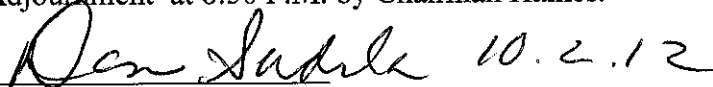
After considerable discussion with the applicant and the uncertainty of the location of the new residence after a request to withdraw the variance at this time and acquire variance after the house is built. Motion by Greenway, seconded by Stadlman to void the action taken in item #9 and not recommend the request to the BOA.

Roll call vote: Aye- Haines, Stadlman, , Bode, Greenway, Kiner, Weitala
Nay- none Absent- Storm
Action on Number # 9 is voided

10. After the action taken on #9 there was no action on this item and will be resubmitted at a later date. Approve A PLAT OF VANOVERSCHELDE TRACT 1 IN THE SW ¼ OF SECTION 36, T 104 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

11. Misc. Brenda had a discussion with Neil Putman on Dakota Salvage now selling cars to the west of the main salvage lot. Zoning Administrator Sudrla explained what land use there is the cities call. How the land is use operated, that is if a nuisance is the counties call.

12. Adjournment at 8:50 P.M. by Chairman Haines.


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Planning Commission Minutes October 2, 2012

1. Called to order at 7:00 P.M. by Chairperson Haines.
2. Roll call: Present-Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala and Zoning Administrator Sudrla.
Guests- Brian Nesheim, Bill Nebelsick and Chuck Mueller
3. Motion by Greenway, seconded by Storm to approve the agenda with a discussion item of the SDPA annual workshop in Lead. All voting aye. Agenda approved as amended.
4. Motion by Kiner, seconded by Weitala to approve the minutes from the September 4, 2012 meeting. All voting aye. Minutes approved as presented.
5. Motion by Stadlman, seconded by Kiner to approve A PLAT OF R.H. SWENSON TRACT 1 IN THE NW ¼ OF SECTION 26, T 103 N, R 61 W DAVISON COUNTY, SOUTH DAKOTA.
Roll call vote: Aye- Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala
Nay- none Plat approved as presented.
6. That Bill NEBELSICK made application on August 23, 2012 for a variance of 20 acres to provide a 5.0 ACRE lot for a family member to construct a residence. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property was posted and applicant notified and notice in the Daily Republic all on September 21, 2012. The property is legally described as the NE ¼ of Section 17, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota. After consideration of Section 1403 B. Variances and receiving testimony from the applicant and not receiving input from the public and with the conditions of platting and Ag-Covenant a motion by Greenway, seconded Storm to recommend granting as applied for.
Roll call vote: Aye- Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala
Nay- none A variance in lot size is recommended to be granted..
7. Motion by Bode, seconded by Stadlman to approve with condition of the Ag-Covenant A PLAT OF S. J. NEBELSICK TRACT 1 IN THE NE ¼ SECTION 17, T 102 N, R 60 W OF THE 5TH P. M., DAVISON COUNTY, SOUTH DAKOTA.
Roll call vote: Aye- Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala
Nay- none Plat approved as presented.
8. That Brian Nesheim made application on September 18, 2012 a variance of 37'(ft) of front yard setback to construct a detached pole garage. This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 75'(ft) of front yard setback will not be provided. The property was posted and applicant notified and notice in the Daily Republic all on September 21, 2012 The property is legally described as the SW

¼ of Section 12, T 101 N, R 60 W, Rome Township, Davison County, South Dakota. After consideration of Section 1403 B. Variances and receiving testimony from the applicant and not receiving input from the public and due to other possible site being low and wet and current structures also are to close to the road a motion by Stadlman, seconded by Kiner to recommend granting the variance as applied for.

Roll call vote: Aye- Haines, Stadlman, Storm, Bode, Greenway, Kiner, Weitala
Nay- none A variance of 37' in front yard setback is recommended to be granted.

9. Zoning Administrator Sudrla indicated after talking with Brian McGinnis from District III that he will have time to work on a new comprehensive plan. The first meeting in November will be scheduled for November 13, 2012 due to the general election on November 6, 2012. Sudrla indicated he would move the BOA up to the next week so that any variance or conditional uses could be completed during the same time frame. The time will be a 1:15 P.M. due to the fact day light savings time ending.
10. Misc. Zoning Administrator Sudrla reminded the Board of the SDPA Conference in Lead on September 23-25.
11. Adjournment at 7:45 P.M. by Chairperson Haines.

 11-13-12

Dan Sudrla CAA
Zoning Administrator

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Planning Commission Minutes November 13, 2012

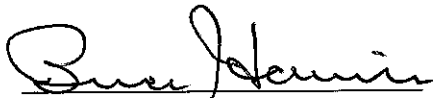
1. Called to order at 1:15 P.M. by Chairperson Haines.
2. Roll call: Present-Haines, Storm, Bode, Greenway, Weitala, Haines and Zoning Administrator Sudrla.
Absent- Stadlman and Kiner
Guest- Gary Neugebauer, Nelda Neugebauer, Carla Schuldt, David Tilly, Monte Rice, Scot Meyer
Presenters- Brian McGinnis from District III Planning District and Neil Putman City Planner
3. Motion by Greenway, seconded by Bode to approve the agenda. All present voting aye. Agenda approved as presented.
4. Motion by Bode, seconded by Storm to approve the minutes from the October 2, 2012 meeting. All present voting aye. The October 2, 2012 minutes approved as presented.
5. That Carla Schuldt (Nelda Neugebauer Life Estate) made application on September 27, 2012 for a variance in lot size for a family member. This is a farmstead of approximately 9.2 acres. The property was posted, applicant notified by mail and notice was in the Daly Republic all on November 2, 2012. This request is pursuant to Section 513.4 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the East ½ of the SE ¼ of Section 30, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota. After receiving testimony from the applicant and no other testimony from the public and after consideration of 1403 B. Variances a motion by Bode, seconded by Greenway to recommend granting the variance in lot size under 513.4 with the conditions of platting and Ag-Covenant
Roll Call Vote: Aye- Haines, Storm, Bode, Greenway, Weitala, Haines and Absent- Stadlman and Kiner Motion carried. The variance in lot size is recommend with the conditions of Platting and Ag-Covenant.
6. Motion by Storm, seconded by Weitala to approve A PLAT of TRACT A of CARLA'S ADDITION, IN THE EAST ½ OF THE S.E. ¼ OF SECTION 30, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA
Roll Call Vote: Aye- Haines, Storm, Bode, Greenway, Weitala Haines
Absent- Stadlman and Kiner Plat is approved.
7. Motion by Storm, seconded by Bode Approve A PLAT OF TRACT 1 OF RICE'S ADDITION, BEING A SUBDIVISION OF LOT B, IN THE S.E. ¼ OF SECTION 9, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA
Roll Call Vote: Aye- Haines, Storm, Bode, Greenway, Weitala Haines
Absent- Stadlman and Kiner Plat is approved.

8. Motion by Bode, second by Weitala APPROVE A SURVEY PLAT OF MARK TRACT 1 IN THE SOUTHWEST OF SECTION 13, TOWNSHIP 102 NORTH, RANGE 61 WEST OF THE 5TH PM, DAVISON COUNTY, SOUTH DAKOTA
Roll Call Vote: Aye- Haines, Storm, Bode, Greenway, Weitala Haines
Absent- Stadlman and Kiner Plat is approved.

9. Continued discussion with Brian McGinnis from District III on a new Davison County Comprehensive Plan. Brian provided the board with a draft of Chapters 1 and 2 for their review. Mr. Putnam provided information on the new City Zoning Ordinance and on possible change that would affect the County comprehensive plan. Items brought up the available water, railroad, roads and housing study. Mr. McGinnis to provide additional chapter for review prior to next meeting. The importance of agriculture in Davison County was discussed.

10. Misc. None

11. Adjournment at 3:10 by Chairman Haines.

 12-9-12
Dan Sudrla CAA
Zoning Administrator

DAVISON COUNTY PLANNING AND ZONING

Dan Sudrta
Zoning Administrator
200 East 4th Ave.
Mitchell SD 57301

Phone 605 995-8615
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Planning Commission Minutes December 4, 2012

1. Called to order at 1:14 P.M. by Chairperson Haines.
2. Roll call: Present-Haines, Stadlman, Bode, Greenway, Kiner, Weitala and County Auditor Kiepke.
Absent-Storm
Guest-Ben Coyle and Robert Ball
3. Motion by Greenway, seconded by Stadlman to approve the agenda. All present voting aye. Agenda approved as presented.
4. Motion by Weitala, seconded by Kiner to approve the minutes from the November 13, 2012 meeting. All present voting aye. The November 13, 2012 minutes approved as presented.
5. Motion by Bode, seconded by Kiner to approve A PLAT OF LOTS 1 AND 2, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE NW ¼ OF SECTION 16, T103N, R60W OF THE 5TH. P.M., PORTIONS OF WHICH LIE WITHIN THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

(This Plat vacates previously platted Block 2 less the Southerly 223.62' thereof of Westwood First Addition, a Subdivision of the West ½ of Section 16, T 103 N, R 60 W, of the 5th P.M., City of Mitchell, Davison County, South Dakota, as recorded in Plat Book 18, Page 56. This Plat also vacates previously platted Block 5 of the Westwood First Addition, a Subdivision of the NW ¼ of Section 16, T103N, R60W of the 5th P.M., portions of which lie within the City of Mitchell, Davison County, South Dakota, as recorded in Plat Book 21 on Page 9.)

Roll Call Vote: Aye- Haines, Stadlman, Bode, Greenway, Kiner, Weitala
Absent- Storm Plat is approved.

6. That Robert Ball (Smith & Nicholson Tire LLC) made application on November 19, 2012 for a conditional use for a repair shop (for mounting of new tires for a trailer manufacturer). Personal trucks will also be stored and repaired. There currently is a conditional use for an Arena at this location that was issued on March 20, 2001. The property was posted, on November 20, 2012. The applicant and abutting property owners were notified November 21, 2012. Notice was in the Daily Republic on November 23, 2012. This request is pursuant to Section 507.28 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots A & B of Kotbra Subdivision in the SE ¼ of Section 15, T 103 N, R 61 W, Beulah Township, Davison County, South Dakota. After receiving testimony from the applicant and no other testimony from the public and after consideration of 1403 B. Variances a motion by Greenway, seconded by Kiner to recommend granting the conditional use for a repair shop with the conditions

2 YEARS 1.15.13

that the shop be used only for mounting ^{NEW}tires for Trail King, and for storage and repair of Mr. Balls trucks.

Roll Call Vote: Aye- Stadlman, Bode, Greenway, Kiner, Weitala and Haines

Absent- Storm Motion carried. The conditional use is recommended with the conditions that the shop be used only for mounting tires for Trail King, and for storage and repair of Mr. Balls trucks.

FOR 2 YEARS beginning 1.15.13

7. It was determined unanimously that the first Planning and Zoning meeting of the new year will be held on January 8th, 2013 at 3:00 p.m.

8. The Davison County Comprehensive Plan was discussed in general. The question arose as to why the Board hadn't yet received the next portion from Brian McGinnis of District III. When Planning and Zoning Administrator Sudrla returns he is instructed to contact Mr. McGinnis to find out when the Board can be expecting the next information.

9. Adjournment at 2:16 by Chairman Haines.

Susan Kiepke
County Auditor