

Mitchell, SD 57301-2631 Phone (605) 995-8615 Fax (605) 995-8642



PLANNING COMMISSION MINUTES January 8, 2019

- 1. Auditor Kiepke called the meeting to order at 1:15 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Brenda Bode, Kim Weitala, Lewis Bainbridge, Jeff Bathke, Mark Jenniges, Auditor Kiepke.
 - Absent: One (1) vacancy currently open.
 - Guests: Sarah DeWald, Matt Hohn.
- 3. Election of 2018 Planning Commission Officers.
 - Auditor Kiepke called for nominations of Chair. Brenda Bode nominated Bruce Haines, Kim Weitala seconded the nomination. Steve Thiesse called to cease nominations and cast a unanimous vote, seconded by Lewis Bainbridge. Hearing no other nominations, Bruce Haines was unanimously voted as Chairman.
 - Auditor Kiepke called for nominations of Vice Chairman. Brenda Bode nominated Steve Thiesse, Kim Weitala seconded the nomination.
 Lewis Bainbridge called to cease nominations and cast a unanimous vote, seconded by Brenda Bode. Hearing no further nominations, Steve Thiesse was unanimously voted as Vice Chair.
- 4. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Lewis Bainbridge, to approve the agenda. All members voted aye, motion carried.
- 5. Declare conflicts of interest-none.
- 6. Consider the December 4, 2018 Minutes.
 - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the December 4, 2018 proposed minutes. All members voted aye, motion carried.
- 7. Public input-none.
- 8. Considered a Plat of Tract 1 of Nedved Addition, an addition in the Northeast Quarter of the Southeast Quarter of Section 8, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Jason Nedved.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. Jason was approved for a variance in lot size at the November 2018 meeting. He plans to put a house and garage on the hill within the plat. Setbacks are 10' to the north, south, and west. Rusty is aware of the plat and is okay with the driveway location.
 - Motion by Kim Weitala, seconded by Lewis Bainbridge, to recommend approval
 of the plat to the County Commissioners. Roll call vote:
 Haines aye, Vacant, Thiesse aye, Storm absent,
 Bainbridge aye, Bode aye, Weitala aye, motion carried.

- 9. That Sarah DeWald has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21.99 acres to create a lot size of \pm 3.01 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 Tract 1 of Boyd Addition, an addition in the Northeast Quarter of the Southeast Quarter of Section 2, 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. A neighbor stopped in to question what was going on and after discussion on the variance, they had no issues.
 - The applicant was present to answer questions. Discussion included she is buying the land from her brother.
 - Sarah explained the location of the where the house will go, keeping it about 500' off the road to the west on a hill. She has done a test for water and will pull the permit if this passes. She is currently talking with Ethan Lumber about her house and plans to build in the spring.
 - After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:

Haines – ave, Vacant, Thiesse – ave, Storm –absent,

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

- 10. Considered a Plat of Tract 1 of Boyd Addition, an addition in the Northeast Quarter of the Southeast Quarter of Section 2, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota: at the request of Sarah DeWald.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This goes with #9 on the agenda.
 - Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote: Haines – ave, Vacant, Thiesse – ave, Storm – absent,

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

- 11. That Michael and Kathy Hanks have appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size to a prior non-conforming residential lot in order to allow an additional dwelling on such prior nonconforming residential lot in the Agricultural Residential District.
 - This request is in pursuant to Section 407 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot H in the Southeast 1/4 of Section 23, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Bathke explained the application, required notifications, and the GIS view. Notices were sent out with no response for or against.
 - The applicant was not present to answer questions. Discussion included Michael and Kathy would like to put a 16' x 40' shed in their backyard for their son to live in. This would be a shed on skids like Menards sells. After discussion about this with the applicant Bathke inquired about the proper zoning ordinance to use from Deputy States Attorney Taylor. This did not fit any of the criteria in the

- ordinance, 407(2) is the closest but his is not a farmstead as defined in the county ordinance and would not be an accessory building if someone were to live in it.
- The board felt the lack of information due to the applicant not being there was an issue. Main concerns are health and safety of someone living in a shed. If it's on skids will varmit live under the building, how will it be insulated and have ingress/egress and how would electric, sewer, and water be hooked up with there being no frost barrier?
- After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Steve Thiesse, to recommend disapproval of the Variance Permit to the Board of Adjustment. Roll call vote:

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

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

- 12. That Matt Hohn 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 (1)(3)(5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as S630' of W1728.59 off SW 1/4 of Section 1, 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 out and one voicemail was left but Jenniges was able to get a hold of the individual to find out their concerns.
 - The applicant was present to answer questions. Discussion included that Matt would like to parcel off land around the house and future shed and put rest of the land back to the 1/2 of the section. Currently has 25 acres for house but it is described by measurements and a building permit cannot be obtained. Bank will not allow a mortgage with a 1/2 section of land. This will help with estate planning keeping farm ground and home separate. He will have the land platted and presented at the next meeting.
 - After consideration of the 1106 B-Variances, a motion by Lewis Bainbridge, 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 –absent,
 Bainbridge aye, Bode aye, Weitala aye, motion carried.
- 13. Additional Comments from the Group.
 - Gary Stadlman's letter of resignation from the board was presented to the baord.
 - A letter from South Dakota Publi Utilities Commission was read to the board regaurding not using the the model that was on their website for setbacks for WES.
- 14. Set date and time for next meeting February 5, 2019 @ 1:15 P.M.
- 15. At 2:36 P.M., a motion by Brenda Bode seconded by Kim Weitala to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Marks Jenniges

Mark Jenniges
Deputy Director of Planning & Zoning



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PLANNING COMMISSION MINUTES February 5, 2019

- 1. Chairman Haines called the meeting to order at 1:15 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Brenda Bode, Kim Weitala, Mark Jenniges.
 - Absent: One (1) vacancy currently open, Lewis Bainbridge, Jeff Bathke.
 - Guests: Don & Gladys Fergen, Jerry & Barb Weber, Wade Musick.
- 3. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Kim Weitala, to approve the agenda. All members voted aye, motion carried.
- 4. Declare conflicts of interest-none.
- 5. Consider the January 8, 2019 Minutes.
 - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the January 8, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. Considered a Plat of Lots 1 and 2 of Cattle Co. First Addition in the SW 1/4 of Section 1, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Matt Hohn.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. A variance for this plat was approved at last month's meeting. He is doing this to conform with the Davison County Zoning Ordinance, his land is currently described by measurements and cannot obtain a building permit for the shed he wishes to build.
 - Motion by Steve Thiesse, seconded by Charles Storm, 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 – aye, motion carried.
- 8. Considered a Plat of Lots 1, 2, 3 and 4 of WTC Addition in the SE 1/4 and the SW 1/4 of the NE 1/4 of Section 5, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Wade Musick.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This is located in the ETJ and the city retains jurisdiction with zoning. The city has passed this with no issues. They are doing some estate planning that Randy had drawn up before he passed away, it was in his will to be divided this way. Lot 3 and the land south of that will be owned by the same person.
 - Motion by Brenda Bode, 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 – aye, motion carried.

- 9. Considered a Survey Plat of Fergen Tract 1 and Fergen Tract 2 in the West Half of the Northeast Quarter, and Weber Tract 1 and Weber Tract 2 in the East Half of the Northeast Quarter, all in Section 33, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Gerald & Barbara Weber and Donald & Gladys Fergen.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Webers and Fergens are doing some "horse trading" of the land, currently Fergens own Fergen tract 1 and 2 while Webers own Weber tract 1 and 2. Fergens will own both tract 1's and Webers will own both tract 2's after this is all completed.
 - Motion by Charles Storm, seconded by Kim Weitala, 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 – aye, motion carried.
- 10. Considered a Plat of Lot 1 of DN & KN Addition in the SE ¼ of the SE ¼ and the NE ¼ of the SE ¼ of Section 36, T 104N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Darin Nemec.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. This plat is within 3 miles of the city of Mitchell, so their boards have heard this and passed it with no issues. Darin is getting more pasture land that he is already using. The replatting gets rid of the 100' wide frontage along 250th St which would not be wide enough for a lot. Darin is replatting his existing 25 acres to now include the addition 2.49 acres.
 - Motion by Brenda Bode, seconded by Kim Weitala, 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 aye, motion carried.
- 11. Considered a petition for vacation of Lots A & B of Endres' Addition in the NE 1/4 of Section 7, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of L&C Bainbridge Land LLC.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. L&C Bainbridge Land LLC own the NE 1/4 surrounding Lots A & B they would like to vacate back to the quarter. Lot B is just of the tree grove and Lot A is of the farmstead, they don't need them separated into 3 different parcels, will make paying taxes using one parcel easier.
 - Motion by Steve Thiesse, seconded by Charles Storm, 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 – aye, motion carried.
- 12. Additional Comments from the Group.
 - Planning and Zoning mailed out 244 letters to land owners in Davison County regarding land describe by measurements are not allowed to obtain a building permit. There have been many calls and people stopping by the office about this. Most don't plan to build on their land anyway so there are no issues. Other people have been informed of the process needed to follow.

13. Set date and time for next meeting – March 5, 2019 @ 1:15 P.M.

14. At 2:23 P.M., a motion by Kim Weitala seconded by Brenda Bode to adjourn the meeting. All members voted aye, motion carried.

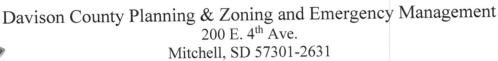
Bruce Haines

Planning Commission Chairman

Marks Jenniges

Mark Jenniges

Deputy Director of Planning & Zoning



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PLANNING COMMISSION MINUTES March 5, 2019

- 1. Chairman Haines called the meeting to order at 1:15 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Brenda Bode, Jeff Bathke, Mark Jenniges.
 - Absent: One (1) vacancy currently open, Lewis Bainbridge, Kim Weitala.
 - Guests: Erin Hennley, Darrell Hohn, Deanna Wemppe, Jay Wemppe, Marcus Traxler, Jim Lyall, Dixie Nolz, Brad Hohn, Steven J Hohn.
- 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 February 5, 2019 Minutes.
 - Motion by Steve Thiesse, seconded by Charles Storm, to approve the February 5, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. Considered a petition for vacation of Lots A & B of Endres' Addition in the NE ¼ of Section 7, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of L&C Bainbridge Land LLC.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. This was in front of the baord last month but was not done properly, was not noticed in the paper so it has to be redone. L&C Bainbridge Land LLC own the NE 1/4 surrounding Lots A & B they would like to vacate back to the quarter. Lot B is just of the tree grove and Lot A is of the farmstead, they don't need them separated into 3 different parcels, will make paying taxes using one parcel easier. Doing this for possible future development of the land.
 - 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.
- 8. Considered a Survey Plat of New Day Acres Tract 1 in the South 1197 feet of the Southwest Quarter of Section 20, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Sharon Sinkie.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. Sharon is doing this to conform with the Davison County Zoning Ordinance, Sharon's land is currently described by measurements and cannot obtain a building permit. This is over 25 acres and a variance is not needed.

- Motion by Brenda Bode, seconded by Charles Storm, 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 Tim Neugebauer 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 Except the SE 1/4 of the SE 1/4 of Section 30, 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. Letters were mailed out to the neighbors and it was published in the paper. A couple people called or came in to see what the location of the barn was going to be.
 - 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. Tim currently has two other barns. This will be the same size, setup, and layout of those. His family and he will take care of the barn. He placed it where he did because it is close to his mom's house where he keeps farm equipment and will spread the manure on the other parcels of land they own in the section. This will make it easier to spread and not have to drive on the roads with manure. He is working with Rome TWP to get a road agreement signed.
 - Commissioner Haines questioned where the water will come from and Tim said there is rural water across the road, but he will drill a well. There does not need to be a water permit as it does not meet the state requirement. Dep Admin Jenniges stated he talked with DENR and there is enough water in the aquifer for this barn. There are also 5 tests wells in the area.
 - Commissioner Bode thanked Tim for the informative document that was provided. She inquired about timeline for construction. Tim is hoping for an April start, but it will depend on the weather and Ethan Lumbers timeline with other projects. He never anticipated the snow last year and doesn't want that to happen again. He is working with Rome TWP on a road agreement. He will tell his drivers to use the county line and come up 406th and over on 267th but can't guarantee all drivers will follow that path.
 - Commissioner Storm questioned the small parcel to the east to which Jay Wemppe gave an explanation. He is the owner of it, but Darrell Hohn is buying it contract for deed from him. It is an 8-acre parcel and he is only into the first year of payments. He is concerned about the stink from the barn and his hunters that come in during pheasant season won't continue to come and spend money in the economy and the birds will smell and be thrown away instead of being eaten. He still has a vested interest in the area even though he is selling the land.
 - Chairman Haines opened up the meeting for public input.
 - Erin Hennley lives part time to the southeast of the proposed facility, 2,070' away and has an apartment in Mitchell. She showed pictures of the farmstead and how they have been fixing up the out buildings over the last 6 years with just the house

left to be redone before retirement. This will be to close to their sloughs and to the creek where the endangered Topeka Shiner is in and the runoff will kill them off and hurt other wildlife that comes to the area. Her and Darrell get migraines and the smell of the CAFO's is a trigger for Darrell. His migraines can go on for months. They can already smell barns from down south in Hutchinson County and this facility will be to the NW and most of the wind comes from that direction. The bridge on 267th is supposed to be replaced this summer and that will create issues for EMS to get to their house and with construction to the north there will be more traffic and not be able to use the roads. She believes if this barn is built, they will have to move, and their granddaughter will not get to grow up on a farm.

- Darrell Hohn stated he has lived on a farm his whole life and that the farm Erin just talked about has been in his family for 115 years. He raised pigs with his father back in the 80's and had to stop because his father got migraines from them. After his father moved away, he tried a few different times to raise hogs and he started getting migraines as well, so he quit. He has to go into the doctor for his migraines and every time it costs more and more money, so he will have to come up with more money or move if the facility is built. He is concerned with the wear and tear on the road as well as the bridge being replaced to the south and causing them to go north and having all the construction traffic will create issues. Pheasant hunters won't come, he was going to put some land into CRP and stopped once he heard of this project. He believes this is too close to the creek and slough and there will be runoff into them, this will pollute the drinking water in Mitchell. This is closer to the creek and houses than Tim's other barn and wondered why that was. He believes there are other sites this could be built at, he is not opposed to hog barns, but opposed to this location.
- Brad Hohn of MDS Farms has been building barns for 28 years. Davison County is an Ag county and that's what these barns are. The acreages are the things that are out of place in the county, not the barns. Runoff is always brought up for hog barns, never for cattle or commercial fertilizer. Commercial fertilizer can run off and not be regulated. Property taxes and home values don't change from the barns. Douglas County lost a lawsuit in regard to this. Ethan Lumber and MDS engineer all of their barns even though they are not permitted to by the state. It doesn't matter the number of hogs, they are going to build it to engineered standards. He has never had a pit leak and the first barn he built is still up and operational.

 Chairman Haines thanked the people for testifying and closed the public comment portion of the meeting.

• Tim said the location of his barn was placed there because of his tile lines in his field. He would have liked to have the barn closer. In section 30 on the ground he will be spreading the manure there is only a wetland in the middle and that's do to no wetland determination done on it. After construction it will be roughly 4 trucks to bring new pigs in and 13 trucks to take the pigs out and the feeder trucks once or twice a week for traffic to the barn.

• Commissioner Bode stated she wished there was a definite timeframe for construction, she does not want to run into the road issue like what happened last

year.

• Commissioner Storm is glad there is a road agreement being worked on, would have like to see it at that meeting. He is not concerned with runoff or creating issues for the Topeka shiner because of the location of the facility. He questions if the barn could be moved but would run into the same issues but with different people. He would like to see the setback increased, but it meets the current zoning regulations.

 After consideration of the 1106 A-Conditional Uses, a motion by Brenda Bode, 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 Rome township on 267th St between 406th Ave and 407th Ave.

Roll call vote:

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

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

10. That Tim Neugebauer has appealed to the Davison County Planning Commission to recommend granting a variance for a south front yard setback +/- 100 feet resulting in a front yard setback of +/- 200 feet from a concentrated animal feeding operation where the required is 300 feet in the Ag District and a west side yard setback +/- 250 feet resulting in a west side yard setback of +/- 50 feet from a concentrated animal feeding operation where the required is 300 feet in the Ag District.

• This request is pursuant to Section 309(3f)(3h) 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 Except the SE 1/4 of the SE 1/4 of Section 30, T 101

N, R 60 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 Tim would like to move the CAFO closer to the property line and right of way to save on farm ground. This leaves enough room for machinery to get around the building still on that quarter. His mother is the closest facility at 1,480'.

• Erin Hennley asked if moving the barn south 100' would be closer to their residence, to which the answer was no because he is moving it 250' to the west too. She requested the barn not be moved south to keep it further away. Tim had

- no issue with this and said he would be fine with only allowing one of the variances.
- After consideration of 1106 B-Variances, motion by Charles Storm, seconded by Steve Thiesse, to recommend approval of a west side yard setback +/- 250 feet resulting in a west side yard setback of +/- 50 feet from a concentrated animal feeding operation and denying south front yard setback +/- 100 feet resulting in a front yard setback of +/- 200 feet from a concentrated animal feeding operation of the Variance to the Board of Adjustment. Roll call vote: Haines aye, Vacant, Thiesse aye, Storm aye, Bainbridge absent, Bode aye, Weitala absent, motion carried.

11. Comp Plan-District III

- Eric Ambroson of District III gave a background of the projects he has worked on. He stated this is a joint plan between the three cities in Davison County and Davison County which is a first for the state. It has been roughly 20 years since the last plan had been done. He went over some graphs and charts relating to population growth, incomes and ages within the counties, broken down by townships and cities. He gave a 30,000' overview to where the county is and where it might go in the next 20 years. This was just the beginning of the plan. The county will hold gatherings to get public input in months to come.
- 12. Additional Comments from the Group.
 - Friendly reminder meetings change to 7:00 P.M. next month
- 13. Set date and time for next meeting April 2, 2019 @ 7:00 P.M.
- 14. At 4:36 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

Marks Jenniges

Mark Jenniges

Deputy Director of Planning & Zoning

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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

Mark Jenniges

Deputy Director of Planning & Zoning

Mitchell, SD 57301-2631 Phone (605) 995-8615 Fax (605) 995-8642



PLANNING COMMISSION MINUTES May 7, 2019

- 1. Chairman Haines called the meeting to order at 7:00 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Charles Storm, Dave Anderson, Brenda Bode, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent: Steve Thiesse, Kim Weitala.
 - Guests: Ryan Storm, Glenn & Dani Olsen, Auditor Susan Kiepke.
- 3. Consider the amended agenda to include 3A-Oath of Office.
 - Motion by Brenda Bode, seconded by Lewis Bainbridge, to approve the amended agenda. All members voted aye, motion carried.
- 3A. Oath of Office to new member-Dave Anderson.
- 4. Declare conflicts of interest-Storm recused himself from item #8 and #10 on the agenda.
- 5. Consider the April 2, 2019 Minutes.
 - Motion by Charles Storm, seconded by Brenda Bode, to approve the April 2, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. Considered a Plat of Lots 1 and 2 of GRS Addition in the S 1/2 of the N 1/2 of the N 1/2 of the SE 1/4 of Section 3, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Gerald Schulz.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. This falls within the 3-mile of Mitchell so the city will hear it as well, but jurisdiction stays with the county. This was an acceptable legal before and he could have sold it by measurements, but it was already one of the longest legal descriptions in the county, so he is platting it. Gerald is splitting his land and selling lot 2 to a neighbor for pasture land. There is ingress/egress already. SD DOT has seen the plat and have no issues with it since they are not adding another approach. Most of the pasture land is in the floodplain and the buyer knows this. This does not require a variance in lot size because it was already under the 25 acres and had a dwelling unit on it prior to when the Davison County Zoning Ordinance was adopted so it is grandfathered in.
 - Motion by Charles Storm, seconded by Dave Anderson, to recommend approval
 of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse absent, Storm aye, Bainbridge aye, Bode aye,
 Weitala absent, Anderson aye, motion carried.
- 8. That Ryan Storm has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for north front yard setback of +/- 40 feet to create a north front yard setback of +/- 35 feet where the minimum is 75 feet 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 E1070' of the N1220' of the NE 1/4 of Section 30, T 101N, R
 61 W of the 5th P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. A couple people stopped by just asking what was going on, but after explanation they had no issue with it
- The applicant was present to answer questions. Discussion included that Ryan had a previous shed of 50' x 120' that collapsed during the spring snow storm and was +/- 60' from the north right of way. He would like to rebuild the shed and make it 10 feet wider which would push it further north into the 75' required for a setback. The 35' setback would be even with the grain bin and grainery but will more than likely end up +/- 50 feet from the right of way unless he decides to build even bigger than the new 60' x 120' shed.
- After consideration of the 1106 B-Variances, a motion by Lewis Bainbridge, seconded by Brenda Bode, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
 Haines aye, Thiesse absent, Storm –abstain, Bainbridge aye, Bode aye, Weitala absent, Anderson– aye, motion carried.
- 9. That Glenn Olsen has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21.9 acres to create a lot size of +/- 3.1 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. They were approved for a 21.5-acre variance to create a 3.5-acre lot in the NE corner of this property last month but are moving it due to seeing where water has been sitting in that location during this years flood. Glenn said he plans to let the other variance expire and build in this location. There is rural water out there already for them and they will build on the east side of the trees. There is enough room to comply with all the setbacks.
 - Commission Bode is happy this worked out for them and they were able to see the issue before they built. She questioned where the driveway was going to be located to which was answered it will be off 252nd St. It will be pushed as far east as possible and Rusty has been talked to about it and is okay with it.
 - After consideration of the 1106 B-Variances, a motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
 Haines aye, Thiesse absent, Storm –aye, Bainbridge aye, Bode aye, Weitala absent, Anderson aye, motion carried.

- 10. Considered a Plat Tract A of Storm's Addition, in the NE 1/4 of the NE 1/4 of Section 30, T 101N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Ryan Storm.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This goes along with item #8 on the agenda. Ryan's land is currently described by measurements so a building permit would not be able to be issued, so by platting his land he is complying with the zoning ordinance and can now receive a building permit. This is 30 acres so a variance in lot size is not required.
 - Motion by Brenda Bode, seconded by Lewis Bainbridge, to recommend approval
 of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse absent, Storm abstain, Bainbridge aye, Bode aye,
 Weitala absent, Anderson aye, motion carried.
- 11. Additional Comments from the Group.
 - Dave Anderson gave a brief background of himself. He moved to Mt. Vernon nine years ago. He is on the Mt. Vernon City Council and is part of the Mt. Vernon Economic Development Group.
 - Comprehensive Plan was brought up about how to keep moving forward on this project. Eric Ambroson of District III has sent an email to P/Z which will be forwarded out to the board about how he would like to run meetings in Mt. Vernon and Ethan. A timeline for the entire project will be outlined and brought to the next meeting.
 - Director Bathke has been working with Mt. Vernon City Council to include Mt. Vernon in the Davison County Zoning Ordinance. They have been working out details of how to do this and where they will fit into the ordinance. Deputy States Attorney Taylor has been consulted on this as well. This and a few clerical changes will be done before the Comprehensive plan is done. Hearings will be set up just like was done in 2017. Also brought up was that there has been public input requesting to increase setbacks to a ½ mile setback from none participating residences for CAFO's during County Commission meetings. This and WES as well as other topics will be discussed during the Comprehensive Plan and the changes needed in the zoning ordinance from that.
 - Director Bathke also brought up the Extra Territorial Jurisdiction. This area is currently zoned by the City of Mitchell, but this might be a good time for the county to take it back. There is a lot of gray area between the city and the county that goes along with the ETJ. This will take quite a bit of work as the city currently has many different zones within the ETJ. There will be more conversations with the City of Mitchell and P/Z regarding this.
- 12. Set date and time for next meeting June 4, 2019 @ 7:00 P.M.
- 13. At 8:27 P.M., a motion by Lewis Bainbridge seconded by Brenda Bode to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Marks genniges

Mark Jenniges Deputy Director of Planning & Zoning

Davison County Planning & Zoning and Emergency Management

200 E. 4th Ave.

Mitchell, SD 57301-2631 Phone (605) 995-8615

Fax (605) 995-8642



PLANNING COMMISSION MINUTES June 4, 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, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent: Kim Weitala.
 - Guests: Glenn & Dani Olsen, Brad Hohn.
- 3. Consider the amended agenda.
 - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the amended agenda showing the correct acres for item #7. All members voted aye, motion carried.
- 4. Declare conflicts of interest-none.
- 5. Consider the May 7, 2019 Minutes.
 - Motion by Dave Anderson, seconded by Charles Storm, to approve the May 7, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. That Kathy Haider has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/-18.14 acres to create a lot size of +/- 6.86 acres, where the minimum is 25 acres in the Agricultural District and front yard setback of +/- 25' resulting in a setback of +/- 50' from the right of way where the minimum is 75' in the Agricultural District.
 - This request is in pursuant to Section 307 (4) & 308(1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as A Plat of Lot 1 of DeWitt First Addition in the North 1/2 of the SW 1/4 of Section 15, 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 published in the paper and sent to neighbors with no responses for or against.
 - The applicant was present to answer questions. Discussion included Kathy is buying the house and outbuildings from her mother. Her father passed away in December. She intends to move to the site and build an addition of a master suite on the west side of the house. This addition will be no closer to the road than the shed to the north is. The right of way in this location has an additional 17' on each side of the road for future road, so it's a 100' instead of the typical 66' that is on most gravel roads. P/Z has talked with Rusty and he has no issues with it.
 - After consideration of the 1106 B-Variances, a motion by Lewis Bainbridge, 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 – absent, Anderson– aye, motion carried.

- 8. Considered a A Plat of Lot 1 of DeWitt First Addition in the North 1/2 of the SW 1/4 of Section 15, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Kathy Haider.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This goes with item #7 on the agenda.
 - Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse aye, Storm aye, Bainbridge aye, Bode aye,
 Weitala absent, Anderson aye, motion carried.
- 9. Considered a A Plat of Tract A of Roskens Addition in Gov. Lot 4 of the NW 1/4 of Section 3, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Dusty Roskens.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Dusty came in to get a building permit but his land was described by measurements so a building permit could not be issued. By platting his property he is coming into compliance with the zoning ordinace. An Ag Conv is not needed for this one as it is grandfathered in.
 - Motion by Brenda Bode, seconded by Dave Anderson, to recommend approval of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse aye, Storm aye, Bainbridge
 Weitala absent, Anderson aye, motion carried.
- 10. Considered a Collin's Tract 1 in the Northwest Quarter of the Section 17, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Glenn Olsen.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. The variance in lot size for this plat was approved at last month's meeting. Nothing has changed from that meeting. They will be installing their driveway on 252nd St. Rusty has been contacted about the proposed location and has no issues with it.
 - Motion by Brenda Bode, 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.
- 11. Considered a Survey Plat of Bobcat Tract 1 in the Southwest Quarter of the Southeast Quarter of Section 30, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Tim Neugebauer.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Tim was approved for a CAFO at this location during the March 2019 meeting. He received a variance on the west side of +/-250' resulting in a setback of +/-50'. The board put a condition that he stays 400' from the south ROW. This layout fits those setbacks. He is just doing the next step in the process. P/Z recommends people plat after they do their CUP so they will know what setbacks need to be met and not have to replat.

- Motion by Charles Storm, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse aye, Storm aye, Bainbridge Weitala absent, Anderson aye, motion carried.
- 12. That Klumb Family Limited Partnership, Shannon G. Klumb Revocable Living Trust Agreement, Jennifer M. Klumb Revocable Living Trust Agreement, and Michelle L. Klumb Revocable Living Trust Agreement have 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 310 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The properties are legally described as SW1/4 EX Lot A & EX E530' of the SW1/4 of the SW1/4 & EX W792.94' of the S750' of the SW 1/4 of the SW 1/4 of Section 10, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; W792.94' of the S750' of the SW1/4 of the SW1/4 of Section 10, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; the E530' of the SW1/4 of the SW1/4 of Section 10, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; and the NE 1/4 of Section 15, T 101 N, 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 this would be to operate a 5,370-animal unit concentrated animal feeding operation in the Agriculture (AG) District. This conditional use application is to add 720 head of cattle to the existing bovine and porcine operation, with an additional 720 head of cattle to be added in the future. If approved, the operation will include 2,400 animal units of cattle (2,400 head), 2,640 animal units of finish swine (6,600 head), and 330 animal units of nursery swine (3,300 head). Klumb Family Limited Partnership has some cattle in the pastures then and sends them off to Minnesota and the cost just doesn't add up so they would like to finish them out themselves. Administrator Bathke read the definition of a CAFO and with Klumbs using the same fields, workers, equipment and location they are classified as one CAFO. They are a state permitted CAFO.
 - Shannon stated the new cattle barns with be A-frame construction with curtains on the north side of the building. The side walls are 18' or 20' to allow their tractors to enter into them. The location allows them to access their silage pit to the north and not have to drive on any county roads for doing chores.
 - A neighbor had a concern about if the Klumb's have enough land for all the extra manure. Shannon said he has engineers currently working on that. The state makes them test their pits and their land before and manure can be applied. He might be transporting 6 miles away. If they do not have enough land they will look to sell to neighbors around the area, but then they will be added to their NMP before they will be allowed to apply it.
 - Commissioner Bode questioned what "future" barn meant and when they would have to have the second barn started. Davison County Zoning Ordinance gives

- two years and then that portion of the permit would expire. They want to make sure the first barn works and saves money before beginning a second barn but believe they will know within the first two years.
- Chairman Haines questioned if they can use pig and cow manure on the same fields and what works better. Shannon answered that because pits and soils are tested before they can apply to a field that both could be applied to the same field, just a different ratio depending on if it's pig or cattle manure. He is interested to see which will produce better on the same field.
- Motion by Steve Thiesse, 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 absent, Anderson aye, motion carried.
- 13. That Klumb Family Limited Partnership have appealed to the Davison County Planning Commission to recommend granting a variance in setback from the east right of way of +/- 205 feet resulting in a setback of +/- 95 feet from a CAFO where the required setback is 300' in the Ag District.
 - This request is pursuant to Section 3:10(3)f of the Davison County Zoning
 Ordinance as adopted on 4/1/98 and as subsequently amended. The property is
 legally described as SW 1/4 EX Lot A & EX E530' of the SW1/4 of the SW1/4 &
 EX W792.94' of the S750' of the SW 1/4 of the SW 1/4 of Section 10, T 101N, R
 61 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Bathke 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 moving it to this location keeps more yard space and farm ground and also keeps it in line with the existing buildings to the north.
 - Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval
 of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse aye, Storm aye, Bainbridge aye, Bode aye,
 Weitala absent, Anderson aye, motion carried.

14. Additional Comments from the Group.

- Administrator Bathke announced that the flyover for Pictometery has been completed. The new version is available online already but will be installed into GIS in the office later in the week. He will create accounts for all board members and email out logins/passwords/directions.
- 15. Set date and time for next meeting July 2, 2019 @ 7:00 P.M.
- 16. At 8:15 P.M., a motion by Dave Anderson seconded by Brenda Bode to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Marks Jenniges

Mark Jenniges Deputy Director of Planning & Zoning

Mitchell, SD 57301-2631 Phone (605) 995-8615 Fax (605) 995-8642



PLANNING COMMISSION MINUTES July 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, Dave Anderson, Brenda Bode, Kim Weitala, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent:.
 - Guests: Kyle & Melisa Crago, Marilyn Smith, Janel Hays, Jay Smith, Jim Thue.
- 3. Consider the amended agenda to include items 8A, 8B and 8C.
 - Motion by Charles Storm, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
- 4. Declare conflicts of interest-none.
- 5. Consider the June 4, 2019 Minutes.
 - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the June 4, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. Considered a A Survey Plat of Antelope Tract 1 in the Southeast Quarter of Section 5, T 102N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Marilyn Smith.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Marilyn is transferring the 70 acres to her son.
 - Motion by Lewis Bainbridge, 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.
- 8. Considered a A Plat of Lot 12 and Meadows Court of Iverson's Addition, Located in Lot B of the SE 1/4 of Section 33, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Kyle & Melisa Crago.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat is located in the ETJ so it is the City of Mitchell's zoning jurisdiction. City Council has passed this already. Crago's have purchased the land and intend to sell lot 12 to their son. They might sell some lots in the future to family but the reason they bought the land was so people wouldn't build behind them. The Meadows Court name as been approved by LEPC already. Meadows Court will be a public road but be put in and maintained privately.
 - Commissioner Bode questioned if there was drainage or floodplain issues on this
 plat or future plats. There is county coordinated closed drainage line that runs on
 the west part of the property and would is the responsibility of the landowners to

- maintain. There is also some floodplain on the northwest part of the future plats. All water in this area runs north to Kibbie Ditch.
- 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 aye, Bode aye,
 Weitala aye, Anderson aye, motion carried.

8A. Considered a Plat of Lot D in the NE 1/4 of the NE 1/4 of Section 30, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Jim & Julie Thue.

- Deputy administrator Jenniges gave an explanation of the plat.
- The applicant was present to answer questions. This plat is located in the ETJ so it is the City of Mitchell's zoning jurisdiction. This is replacing Lot C by increasing it an extra acre due to the flooding this past spring there was found not to be enough space for a house to be built. They are selling the land to their nephew. He has already rezoned the area as it was commercial before and a residence was not allowed.
- Motion by Steve Thiesse, seconded by Kim Weitala, 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.

8B. Considered a Plat of Klock Tract 1, a subdivision of the SE 1/4 of Section 31, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Jarod Klock.

- Deputy administrator Jenniges gave an explanation of the plat.
- The applicant was not present to answer questions. This plat goes along with Jarod Klock's plan for a CAFO which was approved in April of 2019.
- 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.

8C. Considered a Plat of Tract A of Blasé Addition, in the NW 1/4 of the NE 1/4 and in the NE 1/4 of the NW 1/4 of Section 23, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Gary & Amy Blase.

- Deputy administrator Jenniges gave an explanation of the plat.
- The applicant was present to answer questions. They currenty own two parcels described by measurements and are combinging these to come in compliance with the Davison County Zoning Ordianance. They would like to build onto an existing shed and are not able to due to their land be described by measurements.
- Motion by Dave Anderson, seconded by Steve Thiesse, 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. Additional Comments from the Group.
- 10. Set date and time for next meeting Aug 6, 2019 @ 7:00 P.M.
- 11. At 8:06 P.M., a motion by Kim Weitala seconded by Dave Anderson to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Mark Jenniges Deputy Director of Planning & Zoning

Mitchell, SD 57301-2631 Phone (605) 995-8615

Fax (605) 995-8642



PLANNING COMMISSION MINUTES September 3, 2019

- 1. Chairman Haines called the meeting to order at 7:02 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Dave Anderson, Brenda Bode, Kim Weitala, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent:None.
 - Guests: Bob Swanson, Daniel Mutizger, Fred Stahl, Neil Putnum, Carol Millan, Jennifer Mayer, Paul Mayer, Doug Carlson.
- 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 July 2, 2019 Minutes.
 - Motion by Charles Storm, seconded by Lewis Bainbridge, to approve the July 2, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. That the City of Mitchell has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 16.78 acres to create a lot size of +/- 8.22 acres where the minimum is 25 acres in the Agricultural District.
 - This request is in pursuant to Section 307 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as A Plat of Kelley Tract 1, a Subdivision of the SW 1/4 of the SE 1/4 of Section 36, 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 that the City of Mitchell is platting off the house to make it easier to sell and also that by platting the house the other acres can stay and be grant eligible. The shape of the plat follows along the ravine.
 - Commissioner Anderson doesn't see the hardship with this and why it can't be 25 acres.
 - Commissioner Bode is concerned that that area around this is agricultural and when the city does sell it that the new owners must know that. The Ag Covenant that will be required with the plat, which is next on the agenda, stays with the land and not the owners.
 - Commissioner Weitala questioned the grants. It was explained that the City of Mitchell purchased around 370 acres and they are trying to keep as much of that available for possible grants to help with the clean up of Lake Mitchell. Gene

Stehly rents the farm ground and has a contract on that, the house and shed are on two different parcels and the rest is low lying ground that can be flooded to help filter out the contaminates before entering Lake Mitchell. They are working with Ducks Unlimited, Pheasants Forever, and the Army Core of Engineers.

- Carol Millan, an owner of land to the south is concerned about there being another residence just to the west of this house and that the minimum is supposed to be 25 acres for a residence. Neil Putnum from the city said they do not intend to do any more developing out there, just parceling off the house for ease of selling and to keep as many acres available for possible grants.
- 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 nay, motion carried.
- 8. Considered a Plat of Kelley Tract 1, a Subdivision of the SW 1/4 of the SE 1/4 of Section 36, T 104N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of the City of Mitchell.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. this plat goes along with item #7 on the agenda and was just discussed. This does fall within 3 miles of the city limits so the city has to hear it. They have already and approved the plat. As with all new plats, and Ag Covenant will be required.
 - 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.
- 9. That Paul & Jennifer Mayer have appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres where the minimum is 25 acres in the Agricultural Residential District.
 - This request is in pursuant to Section 407 (3) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as A Plat of Lot 1 of Mayer's Addition in the NW ¼ of Section 26, 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 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 Paul and Jennifer have purchased 30.56 acres but due to financing reasons they are platting 3 of the 30.56 acres for their residence.
 - Commissioners Haines and Bode stated their concern for the drainage and water in that area, to which the homeowners are aware of. They state they have met with PZ before purchasing the land to see floodplain and county drainage for that area.
 - Commissioner Anderson asked if PZ has received the letter from the bank as stated in the ordinance, to which the answer was no, but will obtain before BOA.

- Commissioner Haines inquired what their timeline is for the property to which they answered they hope to get a basement dug this fall yet, they are in the process of finalizing their floor plans.
- After consideration of the 1106 B-Variances, a motion by Lewis Bainbridge, 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 aye, Bode aye,
 Weitala aye, Anderson aye, motion carried.
- 10. Considered a Plat of Lot 1 of Mayer's Addition in the NW ¼ of Section 26, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Paul & Jennifer Mayer.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat goes along with item #9 on the agenda and was just discussed. This plat will require an Ag Covenant.
 - Motion by Kim Weitala, seconded by Steve Thiesse, 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. Considered a Plat of Lot 5 of D. and B. Carlson's First Addition, a Subdivision of a Portion of the NE 1/4 of Section 34, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Doug Carlson.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat falls within the ETJ, the city has heard and approved this plat already. This is the last lot in the development and he is selling it to the owners of the land to the north.
 - Motion by Brenda Bode, 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.
- 12. That Paul Mutziger has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21.986 acres to create a lot size of +/- 3.014 acres where the minimum is 25 acres in the Agricultural District and side yard setback on the south side of +/- 15' creating as setback of +/-35' from the existing sheds on the parent parcel where the miniumu setback is 50' in the Agricultural District.
 - This request is in pursuant to Section 307 (4) & 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as A Plat of Tract A of Mutziger's Addition, in the SE 1/4 of the NE 1/4 of Section 35, 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 that he is platting off the land for his son to build a house on. There is currently a house on

the property but he will be building to the west of that. With the layout of the 3 acres the variance in setbacks is required for the parent parcel.

- Commissioner Bode stated her concern for a new house being built behind and old house and that house just sitting there. Daniel Mutziger is Paul's son and will be living there. He plans to build a new house and tear down the old one. The old house was built in 1920 and the cost to repair it is just as much as a new one.
- Commissioner Anderson made note that the current sheds on the parent parcel will not be able to be modified because of this variance in setback. They are still able to retin or reroof, just not add any square footage or change the footprint.
- After consideration of the 1106 B-Variances, a motion by Lewis Bainbridge, 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 aye, Bode aye, Weitala aye, Anderson aye, motion carried.
- 13. Considered a Plat of Tract A of Mutziger's Addition, in the SE 1/4 of the NE 1/4 of Section 35, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Paul Mutziger.
 - 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 and was just discussed. There is an approach off of 261st St for the parent parcel.
 - Motion by Steve Thiesse, seconded by Kim Weitala, 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. That Joel Kannegieter has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a salvage yard-recyclingcenter in the Ag District.
 - This request is in pursuant to Section 304 (30) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 6 & Lot 7 Ex N262' & Lot 8 of Shadow Valley Acres Addition in the N1/2 of the N 1/2 of the NW 1/4 of Section 7, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Bathke explained the application, required notifications, and the GIS view. Notices were sent to the neighbors and it was published in the paper. No new comments were heard for or against this. There had been some complaints prior to the notices
 - The applicant was present to answer questions. Discussion included deputy Jenniges called Mr. Kannegieter to see what they were doing on the site and after discussions with him and research of the ordinance it was decided he should apply for a CUP of a salvage yard-recycling center for all the pallets and other materials on the grounds. His mechanic shop was started before the ordinance and does not require a CUP. Deputy Jenniges showed the board images from the GIS flights from 2013, 2016, and 2019. This show the number of pallets and vehicles on the property growing every year.

- Attorney Carl Koch and son AJ Kannegieter were there to represent Joel as he already had a prior engagement. Mr. Koch stated he visited with Administatraor Bathke prior to the meeting and then also went out to the Kannegieter land and after looking at it told Joel it needed to be cleaned up and that they would not win. AJ is a truck driver and refurbishes some pallets out of one of the shops. He loads them directly onto a semi and sales them when he has a full load. Attorney Koch stated there is no application at this time because a signature was never obtained. They have contacted a chipper to come and take away the pallets, this will take about a week to complete. H & M has already dropped off a rolloff for scrap metal. They would like 30 days, weather permitting, to clean up the place and revisit the issue.
- Administrator Bathke stated it could be monitored over the next 30 days and be heard again at the October 1, 2019 meeting.
- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Charles Storm, to table until the October 1, 2019 meeting for the Conditional Use Permit. 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.
 - The SDPA will be held in Brookings on October 16 and 17. An agenda has not been sent out for this yet. As soon as one is available PZ will email out to the board and make any arrangements needed if someone wishes to attend.
 - Other nuisance properties around the county were discussed and PZ will look further into these and conditions of previous CUP's being upheld.
- 16. Set date and time for next meeting Oct 1, 2019 @ 7:00 P.M.
- 17. At 8:35 P.M., a motion by Kim Weitala seconded by Brenda Bode to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Marks Jenniges

Mark Jenniges

Deputy Director of Planning & Zoning

Mitchell, SD 57301-2631 Phone (605) 995-8615 Fax (605) 995-8642



PLANNING COMMISSION MINUTES October 1, 2019

- 1. Chairman Haines called the meeting to order at 7:02 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Steve Thiesse, Charles Storm, Dave Anderson, Brenda Bode, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent: Kim Weitala.
 - Guests:
- 3. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Charles Storm, to approve the proposed agenda. All members voted aye, motion carried.
- 4. Declare conflicts of interest-none.
- 5. Consider the September 3, 2019 Minutes.
 - Motion by Lewis Bainbridge, seconded by Dave Anderson, to approve the September 3, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. That Willard (Scott) Meyer has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21 acres to create a lot size of +/- 4acres where the minimum is 25 acres in the Agricultural District.
 - This request is in pursuant to Section 307 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as A Plat of Lot B in the SE 1/4 Ex Tract 1 of Rices Addition of Section 9, 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 the applicant owns 11 acres and would like to parcel off 4 of those acres so a friend can build a house. He does not have the required 25 acres already. The land across the road is Ag Res. In 2012 they were granted a variance to parcel off land to the south to sell to Monte Rice. Scott had health issues at that time and this summer has had more health issues this summer so maintaining the 11 acres is difficult.
 - Commissioner Haines was concerned with flooding in that area or floodplain but it does not fall within the floodplain and is built up in the area. The topic of development was brought up but you need 4 lots for a development and this would only create 3 total so an access road would not be required.
 - After consideration of the 1106 B-Variances, a motion by Steve Thiesse, 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 – absent, Anderson – aye, motion carried.

- 8. That Mark Meier has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 14.5 acres to create a lot size of +/- 10.5 acres where the minimum is 25 acres in the Agricultural District.
 - This request is in pursuant to Section 307 (1) of the Davison County Zoning
 Ordinance as adopted on 4/1/98 and as subsequently amended. The property will
 be legally described as A Plat of Lot 1 of MAB Addition in the Northwest Quarter
 and Southwest Quarter of Section 15, T 103N, 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 and there were no responses for or against this.
 - The applicant was not present to answer questions. Discussion included the applicant has 3 parcels of land currently and all are described by measurements. He is combining two of them to create a farmsted which is 10.5 acres and under the required 25 acres. He is increasing the parcel the existing residence sits on by about 5 acres and will now include the outbuildings and pheasant pens.
 - Chet Edinger was curious what was being done, and after explanation had no issues with it. Informed the board the remaining acres, Lot 2, is going up for auction on Oct 22.
 - After consideration of the 1106 B-Variances, a motion by Brenda Bode, 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 absent, Anderson aye, motion carried.
- 9. Considered a A Plat of Lots 1 & 2 of MAB Addition in the Northwest Quarter and Southwest Quarter of Section 15, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Mark Meier.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. Lot 1 goes along with the variance request which was item #8 on the agenda. Lot 2 is all the farm ground which is going to be auctioned off on Oct 22. There is ingress and egress through M A Tract 1 which is to the west which has been recorded at the ROD.
 - 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 aye, Bode aye,
 Weitala absent, Anderson aye, motion carried.
- 10. Considered a Plat of Lot 1 of PWM First Addition in the South ½ of Section 9, T 104N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Wesley Morgan, Mike Morgan, Pat Morgan, Scott Morgan, Ronda Koepsell, Robin Moddy, Raven Ellwein, and Randi Haines.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Pat Morgan is parcelling of his inheritance from the rest of the estate since his parents have passed away. He lives in the house that will be surrounded by this parcel. There is a house on the 35 acres but that will be moved off-site.

- Motion by Steve Thiesse, 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 – absent, Anderson – aye, motion carried.
- 11. Kannegieter discussion.
 - At the previous meeting the CUP was tabled to give the applicant 30 days to clean up the property. One 30-yard roll off of tin and other small items has been removed. There is another roll off on the property. He has shifted items from one side of the property to the other side. Administrator Bathke has talked with H&R Salvage and they can remove all the pallets and grind them as well as all the metal and vehicles. Recommendation is that if substantial progress is not made by November 1st it is 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.
- 12. Additional Comments from the Group.
 - The SDPA will be held in Brookings on October 16 and 17, the agenda has been emailed out to everyone.
 - Comprehensive plan meeting in Ethan on Wednesday Oct 2, 6:00 P.M. at the Community Center. Planning & Zoning is working to set up a meeting in Mt Vernon in the near future.
- 13. Set date and time for next meeting Nov 5, 2019 @ 7:00 P.M.
- 14. At 8:17 P.M., a motion by Brenda Bode seconded by Charles Storm to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Marks genniges

Mark Jenniges

Deputy Director of Planning & Zoning

Davison County Planning & Zoning and Emergency Management

200 E. 4th Ave.

Mitchell, SD 57301-2631 Phone (605) 995-8615 Fax (605) 995-8642



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-Variances, 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

Marks genniges

Mark Jenniges Deputy Director of Planning & Zoning

Mitchell, SD 57301-2631 Phone (605) 995-8615 Fax (605) 995-8642



PLANNING COMMISSION MINUTES December 3, 2019

- 1. Chairman Haines called the meeting to order at 1:15 P.M.
- 2. Roll Call
 - Present: Bruce Haines, Charles Storm, Brenda Bode, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent: Steve Thiesse, Dave Anderson, Kim Weitala.
 - Guests: Marcus Traxler, Pam & Dan Roeder, Bob Ball.
- 3. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Charles Storm, to approve the proposed agenda. All members voted aye, motion carried.
- 4. Declare conflicts of interest-none.
- 5. Consider the November 5, 2019 Minutes.
 - Motion by Brenda Bode, seconded by Charles Storm, to approve the November 5, 2019 proposed minutes. All members voted aye, motion carried.
- 6. Public input-none.
- 7. That Bob Ball has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to expand an existing salvage yard-recycling center business on the existing property to expanding tires to a maximum of 5,000 on-site and dismantling wind turbine blades in the Ag Res District.
 - This request is in pursuant to Section 404 (33) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot C & D in the SE 1/4 of Section 23, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Bathke explained the application, required notifications, and the GIS view. Notices were sent to the neighbors and it was published in the paper. There were no responses for or against.
 - The applicant was present to answer questions. Discussion included that Bob had the business before Davison County adpoted the zoning ordinance so he was a non-conforming use. He is expanding the amount of tires he is allowed on the property which is regulated from DENR. He is also expanding to dismantle wind turbine blades which he hauls to his location in three 50' sections and then cuts them down into 3' x 8' pieces and hauls to the landfill.
 - Bob explained that he currently takes tires down to Jackson Nebraska but they will no longer be accepting them. He is the main east river tire disposal for the state. Last year he brought over 200 ton of tires to the landfill. By expanding he will not be bringing anymore tires to the county landfill, he will just have more tires on his property from other counties. He explained the tires will come to his property to get cut up and then get sent back to the location they came from. They weigh the tires coming onto the property and the same weight of tires leave

- the property to go to their landfill. When tires go to a landfill they are the top layer before dirt gets pushed back over to close a hole.
- Commissioner Bode asked if there was away to recycle the tires instead of sending to a landfill and Bob said they have not come up with a reasonable/useable product that is economical.
- Commissioner Storm questioned why 5,000 is the number that he is requesting to have onsite to which Bob answer that is the next level from DENR. DENR has regulations on how many tires a location may store on a site. He will no wait to grind tires until he has a pile of 5,000, that's just what the next level is.
- Lonnie Bollock questioned the extra amount of traffic that will be on the road and what it will do to it. He thought it would be more economical for Bob to go to locations to grind the tires instead of bringing them all to his location. Bob said he doesn't have a big enough portable grinder for that, and he has the cost figured for the travel. He also wondered why he is doing all of this at Bob's west location and not the east location.
- Bob explained how is he cutting up wind turbine blades in Iowa and showed the board a video of how he does it. He can get 12 blades cut up a day and that is all he will take is 12 so they aren't laying around. Blades are brought to the property in three 50' sections and then are cut up into 3'x7' pieces and are on average 6" thick. Only blades from South Dakota will go into the Davison County landfill. DENR will not allow out of state blades to be disposed of in our landfills. Landfills classify the blades as C&D material. He is working with the City of Mitchell and Davison County on pricing for disposing the blades. The plan is to put all the blades in the old landfill which has plenty of room.
- Lonnie Bollock mentioned concerns of the fiberglass particles that will be in the air from grinding the blades into pieces and potential fire hazards as well from sparks. Bob stated that they won't be ground, they are sheared apart, so the dust amount is practically zero and no sparks. He does have a couple of fire trucks on his property incase something were to happen.
- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit. Roll call vote:
 - Haines aye, Thiesse absent, Storm aye, Bainbridge aye, Bode aye, Weitala absent, Anderson absent, motion carried.
- 8. That Dan Roeder has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21.987 acres to create a lot size of +/- 3.013 acres where the minimum is 25 acres in the Agricultural District.
 - This request is in pursuant to Section 307 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Tract 1 of Roeder's Addition, in the NE 1/4 of the NW /14 of Section 28, 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. 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 Dan owns the NW 1/4 and is parceling out the farmstead to sell as they are moving into town. He wants to keep the farmland.
- Commissioner Storm stated he is not a fan of the 3-acre parcel.
- Commissioner Bode wanted to make sure their would be an Ag Covenant with the variance, to which PZ stated that would go with the plat which is the next item on the agenda.
- After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:

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

- 9. Considered a Plat of Tract 1 of Roeder's Addtion, in the NE 1/4 of the NW 1/4 of Section 28, T 102N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Dan Roeder.
 - 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 Brenda Bode, seconded by Lewis Bainbridge, to recommend approval
 of the plat to the County Commissioners. Roll call vote:
 Haines aye, Thiesse absent, Storm nay, Bainbridge aye, Bode aye,
 Weitala absent, Anderson absent, motion carried.
- 10. Additional Comments from the Group.
- 11. Set date and time for next meeting Jan 7, 2020 @ 1:15 P.M.
- 12. At 3:20 P.M., a motion by Brenda Bode seconded by Lewis Bainbridge to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines

Planning Commission Chairman

Marks Jenniges

Mark Jenniges

Deputy Director of Planning & Zoning