

PLANNING COMMISSION MINUTES

September 5, 2023

1. Chairman Haines called the meeting to order at 7:05 P.M.
2. Roll call-quorum is met, simple majority vote required for all items.
 - Present: : Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Mike Blaalid, Chris Nebelsick, Jeff Bathke, & Karen Wegleitner.
 - Absent: None.
 - Guests: Joe Schroeder & Mark Jenniges from the City of Mitchell, Andrew Kangas from Civil Design, Inc., & 101 other quests.
3. Consider the proposed agenda.
 - Motion by Chris Nebelsick, seconded by Steve Thiesse, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Dave Anderson, seconded by Ray Gosmire, to approve the August 1, 2023 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a variance application requested by Neal Johnson of:
 1. +/- 21.90 acres, creating a lot size of +/- 3.10 acres on Lot C, where the minimum lot size is 25 acres for a residence in the Ag. District.
 2. +/- 49', creating a setback of +/- 26' from the existing shelterbelt to the east property line on Lot B, where the minimum setback is 75' for a shelterbelt.
 3. +/- 69', creating a setback of +/- 6' from the existing shelterbelt to the north property line on Lot B, where the minimum setback is 75' for a shelterbelt.

This request is located in NE1/4, except Lot 1 & Lot A of Johnson's Subdivision of Section 11, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was not present to answer questions.

Discussion: The 3.10 acres on Lot C was platted out to potentially sell in the future. Currently, Neal's mother lives on the property. A shelterbelt was planted on Lot B and the placement of the trees are too close to Ryan Thill's property and no variance was obtained.

Motion was made to recommend approval of the variances with the condition Neal Johnson obtain a signed agreement from Ryan Thill of his approval of the placement of shelterbelt.

- Motion by Steve Thiesse, seconded by Ray Gosmire, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

8. Consider a plat of Lots B and C of Johnson's Subdivision in the NE1/4 of Section 11, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Neal Johnson.

This request is located in NE1/4, except Lot 1 & Lot A of Johnson's Subdivision of Section 11, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the plat proposal. The applicant was not present to answer questions.

Discussion: The board questioned the size of Lot C. It was explained Neal wanted the lot to be 1 acre but due to the ordinance the lot had to be at least 3 acres and he decided to put the property line at the south end of trees.

- Motion by Dave Anderson, seconded by Mike Blaaid, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – aye, Anderson – aye, motion carried.

9. Consider a variance application requested by Daniel & Kara Mueller of:
 1. +/- 24.193 acres, creating a lot size of +/- 0.807 acres, where the minimum lot size is 25 acres for a residence in the Ag. District.
 2. +/- 31', creating a setback of +/- 44' from the proposed house to the east property line, where the minimum front yard setback is 75' in the Ag District.
 3. +/- 31', creating a setback of +/- 19' from the shed to the west property line, where the minimum rear yard setback is 50' in the Ag District.
 4. +/- 40', creating a setback of +/- 10' from the shed to the south property line, where the minimum side yard setback is 50' in the Ag District.

This request is located in SE1/4 of the SW1/4 & S1/2 of the SE1/4 & Lot B in the SE1/4 of Section 4, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was present to answer questions.

Discussion: Daniel & Kara Mueller plan to tear down the old farmhouse and build a new residence. The bank is requiring the house to be separate from the ag buildings to obtain financing. The placement of the ag buildings only allows for just under one acre for the lot size. The driveway will be split down the middle to avoid needing an easement.

- Motion by Chris Nebelsick, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – aye, Anderson – aye, motion carried.

10. Consider a plat of Tract 1 of Danny's Addition in Lot B of the SE1/4 of Section 4, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota; at the request of Daniel & Kara Mueller.

This request is located in SE1/4 of the SW1/4 & S1/2 of the SE1/4 & Lot B in the SE1/4 of Section 4, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the plat proposal. The applicant was present to answer questions.

Discussion: No issues or concerns with the plat.

- Motion by Chris Nebelsick, seconded by Dave Anderson, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – aye, Anderson – aye, motion carried.

11. Consider a variance application requested by Brian & Janel Mueller of:

1. +/- 49', creating a setback of +/- 1' from the grain bin to the east property line, where the minimum rear yard setback is 50' in the Ag District.
2. +/- 40', creating a setback of +/- 10' from the grain bins to the south property line, where the minimum side yard setback is 50' in the Ag District.

This request is located in Tract A of Brian's Addition in the SW1/4 of the NW1/4 of Section 3, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was present to answer questions.

Discussion: The 3 grain bins will be moved from a different property onto Brian & Janel Mueller's property. The placement of the grain bins is due to lack of space. The land to the east of their property is family owned and the land abutting theirs to the south is owned by another party, but they do farm the land. The board has no issues with the 1' setback to the east due to family-owned land, but they would like the grain bins moved to a 20' setback to the south due to the Ardis Merino Trust owning the land.

Motion was made to recommend approval for a variance of +/- 30', creating a setback of +/- 20' from the grain bins to the south property line, where the minimum side yard setback is 50' in the Ag District with the condition Brian & Janel Mueller obtain a signed agreement from the Ardis Merino Trust of their approval of the placement of the grain bins.

- Motion by Steve Thiesse, seconded by Mike Balaalid, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Balaalid – aye, Anderson – aye, motion carried.

12. Consider a plat of Tract 1 of Dallas and Chelsie's Addition in the NE1/4 of Section 26, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Dallas & Chelsie Cunningham.

This request is located in E.1,259.9' of the N.864.6' of the NE1/4 of Section 26, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the plat proposal. The applicant was present to answer questions.

Discussion: The land is described by measurements. A residence was being built without a building permit on unplatted land. The proposed lot is over 25 acres and meets lot size requirement in the Ag District, so no variance is needed.

- Motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Balaalid – aye, Anderson – aye, motion carried.

13. Consider a conditional use application to construct and operate a shooting range in the Ag District; requested by the City of Mitchell.

This request is located in the NE1/4, including Irregular Tract 1 of Section 36, T 104 N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the conditional use application. The applicant was present to answer questions.

Discussion: Joe Schroeder & Mark Jenniges from the City of Mitchell gave a presentation of the project and answered board questions. The presentation consisted of

the project history with other locations considered, and an explanation of the proposed site with conditions & rules. They also provided pictures and an explanation of the City of Watertown gun range, as well as explained the changes Watertown has made based on citizens' and other organizations' concerns.

Numerous concerned citizens were present to speak against the proposed shooting range. Some are not against the idea of having a shooting range just not in the proposed location due to the proximity to residences with children and animals. Concerns for the safety children and/or grandchildren, themselves and animals when enjoying the outdoors was a consistent concern. The noise that comes with a shooting range will affect the peace and quiet in the residential neighborhood. Concerns of decreased property values of existing homes and future development was also discussed. Law enforcement response time and enforcing the rules stated with no staff present are also concerns.

Some citizens spoke in favor of the proposed shooting range. They spoke of keeping an open mind and what the range could bring. A range would reduce people shooting in ditches and allow seasoned shooters to mentor new shooters on gun safety. Proponents also spoke of how a range is designed to be safe and muffle noise with the berms and baffles.

Following the citizen input, Public Works Director Schroeder answered five questions:

1. What is the law enforcement response time? It is 6 miles to site. Average response times would need to be answered by local law enforcement.
2. Where is the dirt coming from to build the berms? The dirt will come from the wetland project, the landfill, and some will come from the range site.
3. Was the property planned for hiking trails? The property purchase and a possible trail plan was before Joe and the Park & Recreational Director's time, so they were not able to answer that question.
4. Roughly, how many shooters will be on the range? The range in Watertown had a steady flow of 5 to 6 shooters on a Wednesday afternoon. For a better answer, the City will invite a Game Fish & Parks representative to the next meeting.
5. Do you have EPA approval? The City of Mitchell will follow all permitting required. CDI will handle all permits. Andrew Kangas from CDI confirmed if the CUP is approved, they would coordinate all permitting needed for the range

After hearing the presentation, citizen input, and consideration of the eight criteria outlined in the Davison County Ordinance Section 11:06, Power and Duties, under Conditional Uses 2(a-h) the Planning Commission called for a motion.

- Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Conditional Use Permit to the Board of Adjustment with the conditions of starting a committee for the range, blotter coat 406th Ave from 252nd St. to 249th St., and extend the conditional use expiration date beyond two years to accommodate GF & P the grant application, permitting process and construction.

Roll call vote:

Haines – nay, Thiesse – nay, Gosmire – nay, Bainbridge – nay, Nebelsick – nay, Bhaalid – nay, Anderson – nay, motion denied.

14. Additional Comments from the Group

- None

15. Set date and time for next meeting – October 3, 2023 @ 7:00 P.M.

16. At 10:07 P.M., a motion was made by Mike Blaalid, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.