

PLANNING COMMISSION MINUTES

January 10, 2023

1. Auditor Kiepke called the meeting to order at 1:15 P.M.
2. Election of 2023 Planning Commission Officers.
 - Auditor Kiepke called for nominations of Chairperson. Dave Anderson nominated Bruce Haines, Steve Thiesse second the nomination. Chris Nebelsick called to cease nominations and cast a unanimous vote, seconded by Dave Anderson. Hearing no other nominations, Bruce Haines was unanimously voted as Chairperson.
 - Auditor Kiepke called for nominations of Vice Chairperson. Bruce Haines nominated Steve Thiesse, Lewis Bainbridge second the nomination. Ray Gosmire called to cease nominations and cast a unanimous vote, seconded by Chris Nebelsick. Hearing no other nominations, Steve Thiesse was unanimously voted as Vice Chairperson.
3. 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, & Karen Wegleitner.
 - Absent: Jeff Bathke.
 - Guests: Nick & Vicky Herrick, Don Peterson, Shannon Klumb, & Darwin Hohn.
4. Consider the proposed agenda.
 - Motion by Lewis Bainbridge, seconded by Dave Anderson, to approve the proposed agenda. All members voted aye, motion carried.
5. Declare conflicts of interest. Lewis Bainbridge recused himself from agenda item # 13.
6. Consider the previous minutes. Motion by Steve Thiesse, seconded by Mike Blaalid, to approve the December 6, 2022 proposed minutes. All members voted aye, motion carried.
7. Public input for items not on the agenda. Hearing none, the meeting continued.
8. Consider a variance application requested by Shannon Klumb of:
 - +/- 15 acres, creating a lot size of +/- 10 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in N1/2 of the NW1/4 of Section 27, T 101N, R 61, 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: Shannon plans to buy the N1/2 of the NW1/4 on contract for deed, but in order to obtain a loan to fix up the house, he has to separate the house from the agricultural ground. The surveyor was able to do a certificate of survey and parcel out 10 acres instead of replat. In the future his son plans to move in the house.

 - Motion by Mike Blaalid, 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, Blaalid – aye, Anderson – aye, motion carried.
9. Consider a variance application requested by Kelley Family, Inc. of:
 - +/- 57', creating a setback of +/- 18' from the grain bins on the east property line, where the minimum front yard setback is 75' in the Agricultural District.
 - +/- 15', creating a setback of +/- 60' from the SE corner of house on the east property line, where the minimum front yard setback is 75' in the Agricultural District.

- +/- 45', creating a setback of +/- 30' from the shed on the east property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in NE1/4 of Section 15, T 103N, R 61, 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, but Don Peterson from Morgan Theeler was to answer questions.

Discussion: There was one phone call from an abutting neighbor to see if they planned on developing the land. Don Peterson explained the land is being platted out to sell in the future and Peggy has no plans to develop. Lots 1 and 3 are crop ground and lot 2 is pasture with a residence and other structures. Peggy plans on selling lots 1 & 3 and keeping lot 2. The variances are for the existing buildings on lot 2.

- 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, Blaaid – aye, Anderson – aye, motion carried.

10. Consider a plat of Lots 1, 2 and 3 of Kellfam Addition in the NE1/4 of Section 15, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota, at the request of Kelley Family, Inc. This request is located in NE1/4 of Section 15, T 103N, R 61, 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, but Don Peterson from Morgan Theeler was to answer questions.

Discussion: No concerns on the plat. Each lot has access.

- 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, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – aye, Anderson – aye, motion carried.

11. Consider a variance application requested by Nick Herrick of:

- +/- 22 acres, creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in SE1/4 of Section 2, T 103N, 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 present to answer questions.

Discussion: The applicant plans to buy and build a residence on the purposed 3 acres. The land is owned by the applicant's brother-in-law. The size and location of the purposed 3 acres is due to the elevation of the land and they don't want or need more land. Putting in a new septic tank will not be an issue as the distance from any public drinking water supply from the site is over 660'.

- Motion by Mike Blaaid, seconded by Chris Nebelsick, 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.

12. Consider a plat of Lot 1 of Herrick's Addition in the SE1/4 of Section 2, T 103 N, R 60, W of the 5th P.M., Davison County, South Dakota, at the request of Nick Herrick.

This request is located in SE1/4 of Section 2, T 103N, 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 setbacks for the proposed residence complies with our Ordinance and Mitchell Township has approved the approach for the driveway.

- Motion by Mike Blaaid, seconded by Chris Nebelsick, 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.

13. Consider a variance application requested by Jackrabbit Family Farms, LLC of:

- +/- 60', creating a setback of +/- 15' from the proposed shelterbelt on the north property line, where the minimum setback is 75' in the Agricultural District.
- +/- 55', creating a setback of +/- 20' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.

This request is located in Lot 1A of Jackrabbit Addition in the SE1/4 of Section 8, T 101N, 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 not present to answer questions.

Discussion: Lewis Bainbridge recused himself.

Jackrabbit Family Farms is rebuilding the shelterbelt torn down due to construction. There was one call wondering what the variance was for and had no issues with the shelterbelt. The board discussed how the trees help with smell and Jackrabbits has been a good neighbor since built.

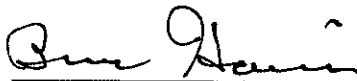
- Motion by Steve Thiesse, seconded by Chris Nebelsick, to recommend approval of the Variance Permit to the Board of Adjustment.
Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – recuse, Nebelsick – aye, Blaaid – aye, Anderson – aye, motion carried.

14. Additional Comments from the Group

- None

15. Set date and time for next meeting – February 7, 2023 @ 1:15 P.M.

16. At 2:05 P.M., a motion was made by Chris Nebelsick, seconded by Mike Blaaid, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson



Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES
February 7, 2023

1. Chairman Haines called the meeting to order at 1:22 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Ray Gosmire, Dave Anderson, Chris Nebelsick, Lewis Bainbridge, Jeff Bathke, & Karen Wegleitner.
 - Absent: Steve Thiesse & Mike Blaalid.
 - Guests: Eric Ambroson.
3. Consider the amended agenda. To add item # 7.
 - Motion by Lewis Bainbridge, seconded by Chris Nebelsick, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Chris Nebelsick, seconded by Ray Gosmire, to approve the January 10, 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 plat of Lots 1A and 1B, V.A. Mathis' First Addition in the SW1/4 of Section 3, T 104 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of James & Tami Winter. This request is located in SW1/4 of Section 3, T 104N, R 61, 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: James and Tami Winter are platting out their land and have a buyer for lot 1B. Lot 1A is their current residence and they have no intentions of selling.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – absent, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.
8. Davison County Comprehensive Plan Overview - Eric Ambroson of District III.
Discussion: Eric Ambroson of District III presented the Comprehensive Plan and the changes made since last presented to the board. Discussion on the County trying to take back the Extraterritorial Jurisdiction (ETJ) and adding this information in the plan and possible Davison County Zoning Ordinance updates.
9. Additional Comments from the Group
 - None
10. Set date and time for next meeting – March 14, 2023 @ 1:15 P.M.
11. At 2:00 P.M., a motion was made by Chris Nebelsick, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES
March 14, 2023

1. Chairman Haines called the meeting to order at 1:10 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, & Karen Wegleitner.
 - Absent: Jeff Bathke.
 - Guests: Hardel & Rebecca Thuringer, Bruce Albrecht, & Eric Ambrosion.
3. Consider the amended agenda. To add item # 10.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Chris Nebelsick, seconded by Dave Anderson, to approve the February 7, 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 Conditional Use application to allow a rental property of nine (9) units in the Agricultural District, at the request of Hardel & Rebecca Thuringer. This request is located in S1/2 of the SE1/4 of Section 15, T 101N, R 60, 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: Hardel & Rebecca plan to clean up the property and build four duplexes for a rental property of 9 units. Their plan is to start with one duplex and in the future build the other 3. Hardel stated he wants to do things right and update the community. Discussion included general water issues and the snow fall issues along Highway 42. Hardel has located the current septic tanks and will use rural water. The setbacks for the new duplexes will be in compliance with our Ordinance.
 - Motion by Lewis Bainbridge, seconded by Ray Gosmire, to recommend approval of the Conditional Use 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. Board member Bainbridge excused himself at 1:29 P.M. for the rest of the meeting.
9. Consider a Variance application requested by Bruce Albrecht of:
 - +/- 20 acres, creating a lot size of +/- 5 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District.This request is located in S1/2 of the NE1/4 & S1/2 of the NE1/4 of the NE1/4 of Section 18, T 103N, 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 present to answer questions.
Discussion: Bruce is platting out 5 acres for his son to build a residence. There is an existing approach to access the platted acres and rural water is available. There are no access issues to Bruce's surrounding land.
 - Motion by Chris Nebelsick, seconded by Mike Blaalid, to recommend approval of the Variance Permit to the Board of Adjustment.
Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

10. Consider a Plat of Lot 1 of Albrecht's Addition in the NE1/4 of Section 18, T 103 N, R 60, W of the 5th P.M., Davison County, South Dakota, at the request of Bruce Albrecht. This request is located in S1/2 of the NE1/4 & S1/2 of the NE1/4 of the NE1/4 of Section 18, T 103N, 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: No concerns or comments on Plat.

- 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, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

11. Consider a Plat of Tract 1 of Patrick's Addition in the S1/2 of the SW1/4 of Section 17, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota, at the request of Chris DeRocher. This request is located in S1/2 of the SW1/4 of Section 17, T 102N, R 61, 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: Chris platted out +/- 1.763 acres for his barn. The Plat meets all the requirements of our Ordinance.

- Motion by Chris Nebelsick, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners. Roll call vote:

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

12. Recommendation to the County Commission for the Resolution of Adoption on the Davison County Comprehensive Plan.

Discussion: Eric Ambrosion from District III presented the Comprehensive Plan to the Planning and Zoning Board for recommendation of approval for adoption of the Comprehensive Plan to the County Commission. City staff were present to discuss ETJ issues.

- Motion by Steve Thiesse, seconded by Dave Anderson, to recommend approval of the Comprehensive Plan to the County Commissioners. Roll call vote:

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

13. Additional Comments from the Group

- None

14. Set date and time for next meeting – April 4, 2023 @ 7:00 P.M.

15. At 2:52 P.M., a motion was made by Mike Blaalid, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES
April 4, 2023

1. Chairman Haines called the meeting to order at 7:02 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: Leon Baier, David Lambort, Karla Love, Steve Frank, John & Steph Tyler, Bill Nebelsick, Steven Weisz, Stephanie Ellwein, Geri Beck, Doug Molumby, Tona Rozum, Joshua Klumb, Paul & Susan Kiepke, & Mike Rus.
3. Consider the proposed agenda.
 - Motion by Steve Thiesse, seconded by Lewis Bainbridge, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. Lewis Bainbridge, Ray Gosmire, Dave Anderson, Bruce Haines, & Chris Nebelsick recused themselves for agenda item #10. Five temporary board members will vote in their place, who are: Josh Klumb, Jerry Buchholz, Paul Kiepke, Tona Rozum, & Doug Molumby.
5. Consider the previous minutes. Motion by Mike Blaalid, seconded by Dave Anderson, to approve the March 14, 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 Plat of Rusty Acres Tract A, a Subdivision of the SE1/4 of Section 15, T 104 N, R 62, W of the 5th P.M., Davison County, South Dakota, at the request of Adonna Hetland. This request is located in SE1/4 of Section 15, T 104N, 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 not present to answer questions.

Discussion: The applicant was not present, but Mike Rus, who will be purchasing the proposed platted 25 acres from Adonna Hetland, was present. He plans to demolish the existing structures and build a new residence. He will have access to rural water out of the east ditch and there is an existing driveway. There are no setback issues due to future plans for removing the old structures.

 - Motion by Dave Anderson, seconded by Chris Nebelsick, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.
8. Consider a Variance application requested by Stephanie Tyler of:
 - +/- 21.992 acres, creating a lot size of +/- 3.008 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
 - +/- 48', creating a setback of +/- 27' from the garage on the north property line, where the minimum front yard setback is 75' in the Agricultural District.
 - +/- 20', creating a setback of +/- 55' from the residence on the west property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in NW1/4 of Section 25, T 102N, 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 present to answer questions.

Discussion: The land is being platted out to separate the residence from the remaining farm ground. Currently, the land is owned by three family members and once platted will be

transferred to one individual. The land has been passed down from family to family and will continue to stay in the family.

- 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.

9. Consider a Plat of Tract 1 of Walleye Addition in the NW1/4 of the NW1/4 of Section 25, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota, at the request of Stephanie Tyler. This request is located in NW1/4 of Section 25, T 102N, 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: No concerns or comments on the plat.

- Motion by Dave Anderson, seconded by Ray Gosmire, 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.

10. Consider the project plan and the establishment of boundaries of the Davison County Tax Increment Financing District No. 4, at the request of High Plains Processing, LLC.

Discussion: Lewis Bainbridge, Ray Gosmire, Dave Anderson, Bruce Haines, & Chris Nebelsick recused themselves and Josh Klumb, Jerry Buchholz, Paul Kiepke, Tona Rozum, & Doug Molumby voted in their place as temporary Planning Commission Board Members, who were all appointed at the April 4, 2023, Commission Meeting.

Kyle Peters, Tom Kersting, Carl Odde, Toby Morris, & Ty Eschenbaum were present via Zoom. They gave a brief introduction of who they are and their involvement with High Plains Processing, LLC. Toby Morris explained the TIF Project Plan, the involvement of the County and the Developer, and how Davison County is financially held harmless if the TIF is approved. All costs associated with the development will be paid by the developer and reimbursed by the TIF, up to the maximum amount requested. The School District is also generally supportive of TIFs, as new development tends to generate additional students moving into the district.

Local resident Leon Baier questioned any additional funding available for the Mitchell Rural Fire District. Stephanie Ellwein, Mitchell City Administrator, explained the District contracts with the City of Mitchell for fire protection. Mr. Morris explained unless additional equipment or training is needed for this specific facility compared to any other facility in the area, current funding should be sufficient.

Discussion also included initial and recurring funding for road improvements and general maintenance on State, County and Prosper Township roads. Local resident Steven Weisz questioned the roads being used and who would pay for damage to the roads. Implementing a road haul agreement for trucks was suggested by a member of the board. A road improvement fund was voted in by Prosper Township that could generate approximately \$85,000 per year. Concerns of the levy increasing and how much was discussed, but an exact amount was not known by Prosper Township. Bill Nebelsick questioned the TIF amount vs. the infrastructure amount. Mr. Morris explained the TIF would cover

\$21,221,000 of the estimated \$79,656,000 in total infrastructure costs. Planning Commission Board Member Rozum questioned where the local farmers were taking their commodity at this time. Are they currently driving on the same roads?

Planning Commission Board Member Blaalid questioned the estimated assessed value used in the project plan. Mr. Morris explained the maximum amount of the TIF is \$21,221,000. So, if the assessed value is low, the developer is responsible for any shortfall. If the assessed value is high, the TIF will be paid off in less than 20 years. The Davison County Department of Equalization Director explained how construction costs and assessed value are different. Carl Odde from SDSF cautioned the board not to compare assessed values of various facilities, as each are drastically different.

Planning Commission Board Member Rozum questioned the economic impact on the area. Kyle Peters from A1 Solutions informed the board he could get the impact information from the Governor's Office of Economic Development, which has been uploaded to the Davison County website on the Planning and Zoning Agenda page. David Lambert, Regional Development Director, explained the development will add 75 jobs, up to \$3,750,000 in yearly payroll, and additional sales, use, and property tax.

After discussion, Vice-Chairman Thiesse called for a motion.

Motion by Josh Klumb, seconded by Tona Rozum, to recommend approval of the TIF to the County Commissioners. Roll call vote:


Klumb – aye, Thiesse – aye, Buchholz – aye, Kiepke – aye, Rozum – aye,
Blaalid – aye, Molumby – aye, motion carried.

11. Additional Comments from the Group

- None

12. Set date and time for next meeting – May 2, 2023 @ 7:00 P.M.

13. At 8:30 P.M., a motion was made by Steve Thiesse, seconded by Mike Blaalid, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson



Steve Thiesse
Planning Commission Vice-Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

May 2, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Mike Bhaalid, Jeff Bathke, & Karen Wegleitner.
 - Absent: Chris Nebelsick.
 - Guests: Robert & Kayleen Lee, William Brummett, Phil & Andria Lee, Ray Trudeau, Frank Jackson, Wanda Kobes, Ralph Kiner, Pamela McKillip, Suzanne & Loren Skinner, Curt Wieczorek, Ken Schoenfelder, Scott Palmer, Chuck Mauszycki, & Brad Nesheim.
3. Consider the amended agenda. Agenda item #13 was added after the agenda was sent out.
 - Motion by Dave Anderson, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Mike Bhaalid, seconded by Dave Anderson, to approve the April 4, 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 Custom Genetic Solutions of:
 - +/- 37', creating a setback of +/- 38' from the office on the North property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in Lot A in the NE1/4 of Section 9, T 102N, R 61, 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: Curt Wieczorek from Custom Genetic Solutions explained they are adding 4 separate additions to the office building. The additions to the East will expand the office space, to the West the lab and the rest will be used for storage. The driveway to the West will be unusable due to the expansion and will be blocked off. There are no concerns with drainage on the West side of the addition.

The board questioned why they can't expand more to the East. Curt explained due to the number of trucks coming and going, expanding more to the East would complicate the traffic flow. This is also the parking area for the office/lab.

- Motion by Mike Bhaalid, 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 – absent, Bhaalid – aye, Anderson – aye, motion carried.

8. Consider a Conditional Use application to allow alcohol sales in the Agricultural Residential District, at the request of Lee Ranch Trucking, LLC dba Lee's Red Barn. This request is located in Lot A, less Lots A-1, A-2 & A-3 in the SE1/4 of Section 15, T 102N, R 60, 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: Kayleen & Robert Lee explained their vision was to fix up the barn to host small family gatherings and a place for family to stay. They started selling produce for additional income to help with the cost of remodeling the barn. Customers have enjoyed

sitting on the porch and they want to provide beer and wine for them to enjoy and/or taste before purchasing. Kayleen explained they have no plans to open a bar or casino and have no intentions to host large events with loud music as they have limited space. They might host small events like birthday or anniversary parties. The hours will be limited and by appointment. Additional lights have been added to the barn and in the yard. A new septic system specific for the barn use was installed and there is parking for up to 84 vehicles. However, they do not intend to have events with that many vehicles.

Planning Commission Board Questions and Answers:

1. What type of alcohol license are you applying for? They are applying for a Wine & Cider License and Malt Beverage & South Dakota Farm Wine License. The licenses are only for wine and beer, no hard liquor.
2. Will you employ anyone? Kayleen Lee explained they will try and do it themselves. They have help from their son and daughter-in-law but might hire part-time help.
3. Do you need a Conditional Use Permit to apply for a license? Yes, no permit, no license.
4. Will you have signs and are there restrictions? Kayleen explained they may have a sign on their building and will advertise. In the future they might have a billboard. She expressed they will follow the Ordinance, which allows for a 100 SF sign on the building or in the yard.
5. Will you be purchasing locally? Kayleen explained they will purchase locally and from out of state.

Public Concerns/Questions:

Abutting and surrounding neighbors to the Lee's property addressed their concerns of noise, traffic, drunk drivers, accidents, business hours, and safety. Kayleen explained they have no intentions of throwing large parties and the barn has been insulated. They don't anticipate large groups or clusters of cars.

- Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

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

9. Consider a Variance application requested by Brad Nesheim of:

- +/- 35', creating a setback of +/- 40' from the shed on the South property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in SE1/4 of Section 35, T 101N, 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 present to answer questions.

Discussion: Brad Nesheim explained the previous shed collapsed due to the weather. He is reusing the existing concrete and expanding the building size to accommodate the size of the equipment.

The board questioned why he can't expand more to the North. Brad explained he would like to add to his house and the septic system is to the North.

- 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 – absent, Blaaid – aye, Anderson – aye, motion carried.

10. Consider a Variance application requested by Pam McKillip of:
- +/- 20.686 acres, creating a lot size of +/- 4.314 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
 - +/- 21', creating a setback of +/- 54' from the house on the East property line, where the minimum front yard setback is 75' in the Agricultural District.
 - +/- 5', creating a setback of +/- 45' from the shed on the West property line, where the minimum rear yard setback is 50' in the Agricultural District.
 - +/- 30', creating a setback of +/- 20' from the shed on the South property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in Lot A in the SE1/4 of Section 18, T 103N, 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: We received one call from a neighbor concerned about the proposed tract 2 being developed.

Ralph Kiner, Pam McKillip's realtor, explained the North field is an alfalfa field. Pam was looking for a farmstead and not the farm ground. She has no use or equipment to maintain the alfalfa field. There is a buyer for the proposed tract 2. Ralph explained the buyer has no intention of developing the land. Could the land be developed in the future, yes, but so could the land across the road.

The board discussed how they don't like chopping up ag land and creating smaller lots. Was discussed if the land could be sold by measurements. The land could be but would not be able to receive a building permit on land described by measurements due to the Ordinance.

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

Roll call vote:

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

11. Consider a Plat of Tract 1 and Tract 2 of McKillip's Addition, in the SE1/4 of Section 18, T 103 N, R 62, West of the 5th P.M., Davison County, South Dakota, at the request of Pam McKillip. This request is located in Lot A in the SE1/4 of Section 18, T 103N, 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 comments on the plat.

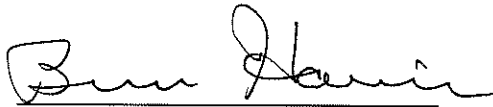
- Motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners. Roll call vote:

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

12. Consider a Plat of Lot 5 of North Maui's First Addition and Sara Avenue, a Subdivision of Lot 4 in the E1/2 of the W1/2 of Section 31, T 104 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Maui Farms, Inc. This request is located in Lot 4 in the E1/2 of the W1/2 of Section 31, T 104N, 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: Chuck Mauszycki explained the proposed Lot 5 is North of Maui Drive and is being sold. Rural water is available. Sara Avenue will be expanded, and will continue to the south with future development. The proposed parcel will follow City Ordinance due to being in the ETJ.

- 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, Gosmire – aye, Bainbridge – aye, Nebelsick – absent, Blaalid – aye, Anderson – aye, motion carried.
13. Consider a Plat of Tract 2 in the West 626.84 feet of Lot 5 of Crane’s Addition, in the SE1/4 of Section 34, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Ronald & Michele Riggs. This request is located in W.626.84’ of Lot 5 of Crane's Addition in the SE1/4 of Section 34, T 103N, 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: Ronald & Michele Riggs are platting out Tract 2 for a family member within the 3rd kinship to build a residence on. The proposed parcel will follow City Ordinance due to being in the ETJ.
- Motion by Ray Gosmire , seconded by Mike Blaalid, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.
14. Additional Comments from the Group
- None
15. Set date and time for next meeting – June 6, 2023 @ 7:00 P.M.
16. At 9:05 P.M., a motion was made by Mike Blaalid, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

June 6, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Ray Gosmire, Mike Bhaalid, Steve Thiesse, Chris Nebelsick, Bruce Haines, Dave Anderson, Jeff Bathke, & Karen Wegleitner.
 - Absent: Lewis Bainbridge.
 - Guests: Brad McNary, Jeff Heppler, Tyler & Judy Miiller, Darwin Miiller, Tonya Klingaman, Darren Reasy, Ann Schmidt, & Charles & Diana Goldammer.
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. Chris Nebelsick recused himself from item # 13.
5. Consider the previous minutes. Motion by Dave Anderson, seconded by Ray Gosmire, to approve the May 2, 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 Bradley McNary of:
 - +/- 17', creating a setback of +/- 33' from the house on the west property line, where the minimum side yard setback is 50' in the Agricultural District.
 - +/- 15', creating a setback of +/- 35' from the shed on the west property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in N.621' of the W.350' of the N1/2 of the NE1/4 of Section 21, T 102N, 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 present to answer questions.

Discussion: Property is described by measurements and requires platting before building permit will be issued per Section 10:05. The applicant proceeded to build an addition to house without platting, obtaining a variance or building permit. A letter was sent May 5, 2023, informing the applicant of Ordinance violations.

Brad explained he bought the property in April of 2022. He wasn't aware the property needed platted or a building permit to remodel. He moved the unattached garage to the south of his property and added an attached one to the existing house. He has no plans to use the old garage. The board recommended the approval of the variance permit on the condition he pays double the original fee of the building permit per Section 10:02 of the Davison County Zoning Ordinance.

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

Roll call vote:

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

8. Consider a plat of Tract 1 of McNary's Addition in the N1/2 of the NE1/4 of Section 21, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Bradley McNary.

This request is located in N1/2 of the NE1/4 of Section 21, T 102N, 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: Property is described by measurements and would need to be platted before obtaining a building permit. No concerns or comments.

- Motion by Mike Blaalid, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners. Roll call vote:

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

9. Consider a plat of Lots 2-B, 2-C and 2-D, a Subdivision of Lot 2 in the NE1/4 of Section 33, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of JVN Properties, LLC.

This request is located in Lot 2 of the NE1/4 of Section 33, T 103N, 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: Jeff Heppler was present and explained Lot 2-B was platted for his shed. He has no plans to sell the lot and only platted Lot 2-B due to the city making him. Lot 2-C was platted due to the city making him and has no plans for the lot. Lot 2-D will be sold to the new owners of JVN Properties.

- Motion by Dave Anderson, seconded by Ray Gosmire, to recommend approval of the Plat to the County Commissioners. Roll call vote:

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

10. Consider a variance application requested by Judy Miiller of:

- +/- 20', creating a setback of +/- 55' from the proposed shelterbelt on the west property line, where the minimum setback is 75' for a shelterbelt.

This request is located in NE1/4 of Section 28, T 102N, R 61, 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 shelterbelt is for a windbreak and would like to but up against the existing shelterbelt to the north. There is CRP ground and they are in the process of renewing the contract.

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

Roll call vote:

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

11. Consider a conditional use application to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Agricultural District, at the request of Lewis Bainbridge.

This request is located in SE1/4 of the NE1/4 & the NE1/4 of the SE1/4 of Section 3, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was not present to answer questions.

Discussion: Lewis obtained a state permit. There were no calls or concerns regarding the application. The board questioned where the gravel pit will be located, and we were unaware of the location.

The board recommended approval of the conditional use application with the removal of the active requirement referenced in Section 12:06(A)(3) in the Davison County Zoning Ordinance.

Motion by _____, seconded by _____, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

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

12. Consider a conditional use application to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Agricultural District, at the request of Lewis Bainbridge.

This request is located in W1/2 of Section 19, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was not present to answer questions.

Discussion: Lewis obtained a state permit. There was one phone call from an abutting neighbor who was concerned of noise and the entry point to the gravel pit. They moved to the country to get away from the noise of traffic. The entry point will be off of 260th Street and the location of the gravel pit will be north off of the entry point.

The board recommended approval of the conditional use application with the removal of the active requirement referenced in Section 12:06(A)(3) in the Davison County Zoning Ordinance.

Motion by Dave Anderson, seconded by Ray Gosmire, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

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

13. Consider a plat of Lot B of M. and S. Miiller's First Addition, a Subdivision of the NE1/4 of the NW1/4 of Secton 24, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Darwin Miiller.

This request is located in NE1/4 of the NW1/4 of Section 24, T 103N, 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: Chris Nebelsick has recused himself from this agenda item. The city has approved of the plat. Darwin plans on selling Lot B and the rest of the agricultural ground.

- 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, Gosmire – aye, Bainbridge – absent, Nebelsick – recused, Bhaalid – aye, Anderson – aye, motion carried.

14. Consider a plat of Tract 1 of Charles & Diana, Land & Cattle Addition in the SE1/4 and the SE1/4 of the SW1/4 of Section 6, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of 4K Land Group LLC.

This request is located in SE1/4 & SE1/4 of the SW1/4 of Section 6, T 103N, 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: Tonya Klingaman explained they are platting the land to sell to Charles & Diana Goldammer. There is a dedicated 33' access easement off 407th Ave. shown on the plat. The city has approved of the plat.

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

Roll call vote:

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

15. Consider a plat of Lot 2-AB of Circle K Ranch Third Addition, a Subdivision of Government Lots 3, 4 and 5, the SE1/4 of the NW1/4, and the W1/2 of the NE1/4, all in Section 6, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of 4K Land Group LLC.

This request is located in Gov. Lots 3-5 in the SE1/4 of the NW1/4 & W1/2 of the NE1/4 of Section 6, T 103N, 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: Tonya Klingaman is platting and selling the 5.10 acres to Darren Reasy. Darren is combining the 5.10 acres with his existing 8.69 acres to create the new +/- 13.79 acres, which will be called Lot 2-AB. The city has approved of the plat.

- 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, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

16. Consider a plat of Lot 1, Block 5 of Circle K Ranch Second Addition, a Subdivision of the S1/2 of the NE1/4 of Section 6, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of 4K Land Group LLC.

This request is located in S1/2 of the NE1/4 of Section 6, T 103N, 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: Tonya Klingaman is platting 16.93 acres to sell to Ann & Jeff Schmidt. There is an access easement off Alex Court shown on the plat. Ann Schmidt explained their house will be built near Alex Court and will use for access to property.

- 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, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

17. Additional Comments from the Group

- None

18. Set date and time for next meeting – July 11, 2023 @ 7:00 P.M.

19. At 8:15 P.M., a motion was made by Mike Blaalid, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

July 11, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Mike Blaalid, Jeff Bathke, & Karen Wegleitner.
 - Absent: Chris Nebelsick.
 - Guests: Allen & Cody Jenks, Skyler Peterson, Lowell Langstraat, Larry Petrik, Dan & Mary Alexander, Greg Tilberg, Frank Baker, Scott & Alli Phillips, Abby Norrid, Ryan Buck, Lowell Titze, Renae & Branden Gades, Brian Nesheim, Linda James, Karen Lunn, Janet Driggs, Darrell Roth, Larry Schnabel, Steve & Kathie Frank, Penny Petersen, Michelle Hellman, Aaron Baas, Matt Bennett, Justin Bolle, Robert Ball, Drew Boyden, & Tim Neugebauer .
3. Consider the amended agenda. Item #10 changed the name on application from USA High School Clay Target League to Ethan High School Clay Target Team. Item #12 changed the lot size from 8 acres to 9 acres. Item #13 was Allen Jenks's plat added to the agenda.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. Mike Blaalid recused himself from item # 8.
5. Consider the previous minutes. Motion by Steve Thiesse, seconded by Dave Anderson, to approve the June 6, 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 Matt Bennett of:
 - +/- 10', creating a setback of +/- 15' from the north property line, where the minimum side yard setback is 25' in the Enemy Creek Development, according to the Conditional Use Permit approved on July 29, 2003.

This request is located in Lot 3 of Enemy Creek Estates & Enemy Creek Loop, a Subdivision in the NE1/4 and SE1/4 of the NW1/4 of Section 14, T 102N, 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 present to answer questions.

Discussion: Matt is requesting a variance to avoid building in the drainage way. He will use the existing driveway for access to the shed.

- Motion by Dave Anderson, 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 – absent, Blaalid – aye, Anderson – aye, motion carried.

8. Consider a conditional use application to operate a commercial trucking terminal to include towing, and a repair shop in the Agricultural Residential District, at the request of Outlaw Repair & Recovery, Inc. dba Petrik Sanitation, Inc.

This request is located in Lot K of W. & L. Addition in the NW1/4 of Section 25, T 103N, 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: Planning & Zoning board member Mike Blaalid recused himself due to conflict of interest.

Our office received 7 calls from neighbors opposed of the application with complaints of noise from jake brakes and late night operations.

The board questioned the hours of operation, average number of tows per week, how many tow trucks, employees, & where will impound vehicles be stored. Lowell explained his hours will be from 9 a.m. to 5 p.m. but towing would be unknown. The number of tows per week would vary depending on the day and/or weather. Currently, he is averaging 1 to 2 per week and any impound vehicles will be stored inside. He has anywhere from small axel tow trucks to semi tow trucks. He has 6 employees.

Sixteen neighbors spoke against granting the Conditional Use Permit with their concerns. They have concerns about adding more traffic to an already busy highway. There are families with pets and young children with some of those children riding the bus. There are concerns of noise from jake brakes, towing vehicles all hours of the night, and the noise from the day-to-day operations of the business. Lights have shined in the windows of neighbors across the street from trucks being started in the morning and now will have the lights from tow trucks. They have had issues with flies and the wind blowing trash onto their properties. There are concerns about the view and turning into a junk yard decreasing their property values. Fears they will have trouble selling their houses when the time comes. They questioned if he was registered with Clearinghouse for random drug testing and addressed concerns of the complaints from Hanson County residents towards his business in Hanson County.

Lowell discussed how he can only control his trucks and if jake brakes are used he will address the issue and make sure it will never happen again. He confirmed he is enrolled with Clearinghouse for drug testing at Avera. Lowell is willing to install a privacy fence and/or add more trees. He is willing to do whatever is necessary. It was discussed he will not store vehicles. The longest any vehicle will be on his property is 15 to 30 days if impounded. Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – nay, Thiesse – nay, Gosmire – nay, Bainbridge – nay, Nebelsick – absent, Blaalid – recused, Anderson – nay, motion denied.

9. Consider a conditional use application to install an in-ground swimming pool in the Agricultural Residential District, at the request of Aaron Baas.

This request is located in Lot 1 of AJB Subdivision in the NE1/4 of Section 12, T 103N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Adminstrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was present to answer questions.

Discussion: The board addressed their concerns of neighbor children jumping in the pool and/or debris like corn stocks blowing into the pool, but their concerns were eased as Baas owns the surrounding land.

Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – absent,

Blaalid – aye, Anderson – aye, motion carried.

10. Consider a conditional use application to allow a shooting range for the Ethan High School Clay Target Team in the Agricultural District, at the request of Ethan High School Clay Target Team.

This request is located in SW1/4, except NW1/4 of the SW1/4 of Section 12, T 101N, R 60, 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: Applicant explained they are shooting in Parkston and would like a shooting range in Ethan for convenience. They are expecting 22 kids to participate. The shooting range would be used in daylight hours only and for practice. They may look at competitive shooting in the future. The surrounding shelterbelts make a great noise barrier and no complaints from neighbors.

Motion by Lewis Bainbridge, seconded by Mike Blaalid, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

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

11. Consider a plat of Lot A-2, a Subdivision of Lot A-1 of N. Boyden First Addition, a Subdivision of the SE1/4 of the NE1/4 of Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota, at the request of Drew Boyden.

This request is located in Lot A-1 of N. Boyden First Addition, a Subdivision of the SE1/4 of the NE1/4 of Section 23, T 103N, 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 City approved of Boyden's plat. He is platting out the original farmstead.

- 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, Gosmire – aye, Bainbridge – aye, Nebelsick – absent, Blaalid – aye, Anderson – aye, motion carried.

12. Consider a variance application requested by Allen Jenks of:

- +/- 16 acres, creating a lot size of +/- 9 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in NE1/4 of Section 30, T 102N, R 61, 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: Allen Jenks is platting out 9 acres for his son to build a house on. They have plans of cleaning up the property and using the existing driveway. There will be no setback issues as they plan on building the house in compliance with our ordinance. Allen will be transferring ownership to a relative within the 3rd kinship.

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

Roll call vote:

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

13. Consider a plat of Tract 1 of Jenks First Addition in the NE1/4 of Section 30, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Allen Jenks. This request is located in NE1/4 of Section 30, T 102N, R 61, 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 concerns or comments on plat.

- Motion by Mike Blaalid, 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 – absent, Blaalid – aye, Anderson – aye, motion carried.

14. Additional Comments from the Group

- None

15. Set date and time for next meeting – August 1, 2023 @ 7:00 P.M.

16. At 9:20 P.M., a motion was made by Mike Blaalid, seconded by Bruce Haines, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines

Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner

Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

August 1, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Chris Nebelsick, Jeff Bathke, & Karen Wegleitner.
 - Absent: Mike Blaalid.
 - Guests: Robert Ball, Steve Gerlach, Eric & Mariah Knight, & Mark Klumb.
3. Consider the proposed agenda.
 - Motion by Dave Anderson, 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 Steve Thiesse, seconded by Dave Anderson, to approve the July 11, 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 conditional use application to allow construction of an in-ground swimming pool in the Agricultural District, at the request of Robert & Jane Ball.

This request is located in Lots A & B in Kotrba Subdivision in the SE1/4 of Section 15, T 103N, 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: Robert Ball explained the pool was there when he bought the house. The deck is rotting and would like to install an inground pool for the grandkids so he can watch them better. The contractor hired has experience installing inground pools.

Motion by Ray Gosmire, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.
8. Consider a variance application requested by Jennifer Booth of:
 - +/- 29', creating a setback of +/- 21' from the garage on the south property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in Lot 2 of Kroupa's 1st Addition in the SW1/4 of Section 22, T 103N, 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: Steve Gerlach was present to answer questions. Steve & Jennifer started building without a building permit. Steve stopped in for a building permit and found out the garage was too close to the south property line. The penalty for building without a permit is double the fee.
 - 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 – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.

9. Consider a variance application requested by Mark Klumb of:
- +/- 15 acres, creating a lot size of +/- 10 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
This request is located in SE1/4 of Section 5, T 101N, R 61, 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: Mark Klumb is platting out 10 acres for his daughter and son-in-law to build a residence. The building site is out of the floodplain. They will start with well water and eventually switch to rural water. A new septic tank will be put in.
 - Motion by Steve Thiesse, 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, Blaalid – absent, Anderson – aye, motion carried.
10. Consider a plat of Tract 1 of Knights on the Prairie Addition in the SE1/4 of Section 5, T 101 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Mark Klumb.
This request is located in SE1/4 of Section 5, T 101N, R 61, 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 concerns or comments with 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, Blaalid – absent, Anderson – aye, motion carried.
11. Additional Comments from the Group
- None
12. Set date and time for next meeting – September 5, 2023 @ 7:00 P.M.
13. At 7:40 PM, a motion was made by Dave Anderson, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

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 guests.
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 Blaalid, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – 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, Blaalid – 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, Blaalid – 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 Blaalid, 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.

12. Consider a plat of Tract I 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, Blaalid – 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:

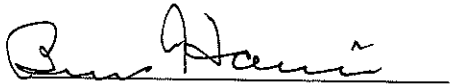
Haines – nay, Thiesse – nay, Gosmire – nay, Bainbridge – nay, Nebelsick – nay, Blaaid – nay, Anderson – nay, motion denied.

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 Blaaid, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines

Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner

Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

October 3, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll call-quorum is met, simple majority vote required for all items.
 - Present: : Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Chris Nebelsick, & Karen Wegleitner.
 - Absent: Jeff Bathke & Mike Blaalid.
 - Guests: Alan Schraeder, Kristen Velez, Scott & Michele Rumbolz, Phil & Marsha Schulz, Eva Sargent Schraeder, Collin & Lexie Schulz, Brent Greenway, Peg Greenway, Brad Greenway, Mary & Dan Froning, Mitch Peterson, Collette Briggs, Julia Johnsen, Jeff McCormick, Chuck Mauszycki, Jr., Chuck Mauszycki Sr., Jeremy Jensen, & Todd Dikoff.
3. Consider the proposed agenda.
 - Motion by Chris Nebelsick, seconded by Dave Anderson, 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 Lewis Bainbridge, to approve the September 5, 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 an application to re-zone a parcel from Agricultural to a Rural Residential District (RR) for a housing development; requested by Jensen Capital & Development, LLC.

This request is located in Lot D of Kotrba Subdivision in the SE1/4 of Section 15, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota.

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

Discussion: Jeremy Jensen explained he purchased the property with the goal to make 20 2 acre lots as there is a need for his clients. He looked at different properties and this one offered paved roads, near the interstate/highway and close to a major business. He has talked to the infrastructure companies, and they provided him with letters of recommendation. The development will be a nice one with irrigation, paved roads with ditches on each side & turn around areas every 4 lots. There will be covenants and restrictions created. SPN will do the sight work. There are plans to leave some topography of the land and will flatten some land for roads.

Several people addressed their concerns with the proposed application. The re-zoning permit needs to follow specific guidelines based on the Davison County Comprehensive Plan & Ordinance and his proposal doesn't meet Section 11:06(D)(1)(2)(3)(4) in the Ordinance. Concerns of extra traffic the development would bring, and the safety concerns it would create for kids, school buses and other motorists. Where will the new approach go as there is a hill and would create safety issues with merging traffic from the development. Concerns of where the water will drain and will there be enough water to support 20 more houses in an area with water pressure issues already. Concerns of how a Rural Residential District will fit with the noises and smells of agricultural practices and on land that is zoned and meant for agriculture. With all the concerns addressed, there

were some abutting landowners in favor of the application. They discussed how everyone wants Mitchell to grow and we must start somewhere and why can't we make this work.

Questions:

Where will the approach go? They will have to obtain a permit from the highway superintendent for the approval of the approach.

Where will the water go? Jeff McCormick from SPN will complete a topographic map and will design the development around drainage needs.

Will this be an HOA development? Yes.

The board discussed their concerns about only one way in and out, safety issues with traffic and does it conform with the Comprehensive Plan. It was stated it is better to group houses together than to spread them out as it is becoming harder to build CAFOs due to residential setbacks.

- Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Re-zone Permit to the County Commissioners.

Roll call vote:

Haines – nay, Thiesse – aye, Gosmire – nay, Bainbridge – nay, Nebelsick – aye, Blaaid – absent, Anderson – nay, motion denied.

8. Consider a variance application requested by Kristen Velez & DeWayne Woodraska of:
 1. +/- 14.97 acres, creating a lot size of +/- 10.03 acres, where the minimum lot size is 25 acres for a residence in the Ag. District.
 2. +/- 45', creating a setback of +/- 30' from the existing shed to the east property line, where the minimum front yard setback is 75' in the Ag District.

This request is located in NE1/4 of the NE1/4 of the NE1/4 of Section 22, T 102 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: Kristen bought the land with the intentions of cleaning up the property and building a residence in the future. They've known of the land as her parents live across the road and have always wanted to buy it. The land was already surveyed out to 10 acres when bought and have plans to buy more of the surrounding land when available.

- Motion by Lewis Bainbridge, 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, Blaaid – absent, Anderson – aye, motion carried.

9. Consider a plat of Tracts 1, 2 and 3 of Geuther's Addition in the SE1/4 of Section 28, T 103 N, R 62, W of the 5th P.M., Davison County, South Dakota; at the request of Collette Briggs, Julia Johnsen, & Eva Sargent.

This request is located in SE1/4 of Section 28, T 103 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: The land was platted to divided the land between the family. No changes will be made to the land as they plan on farming it still. There are no access issues with any of the Tracts.

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

Roll call vote:

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

10. Consider a plat of Blocks 1 and 2 of Maui Farms Second Addition and a portion of Sam Street, a Subdivision of previously platted Lot 4 in the E1/2 of the W1/2 of Section 31, T 104 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Maui Farms, Inc.

This request is located in Lot 4 in the E1/2 of the W1/2 of Section 31, T 104 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 city approved the plat. There are no concerns.

- 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,
Blaalid – absent, Anderson – aye, motion carried.

11. Additional Comments from the Group

- None

12. Set date and time for next meeting – November 7, 2023 @ 7:00 P.M.

13. At 8:45 P.M., a motion was made by Lewis Bainbridge, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES
November 7, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll call-quorum is met, simple majority vote required for all items.
 - Present: : Bruce Haines, Steve Thiesse, Dave Anderson, Ray Gosmire, Chris Nebelsick, & Karen Wegleitner.
 - Absent: Lewis Bainbridge, Mike Blaalid & Jeff Bathke.
 - Guests: Dustin & Brooke Brummett, Daniel Mueller, Dale Moke & Robert Lee.
3. Consider the amended agenda. Added agenda items # 10 & 11.
 - Motion by Chris Nebelsick, seconded by Dave Anderson, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Steve Thiesse, seconded by Dave Anderson, to approve the October 3, 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 an application to amend an existing Conditional Use Permit for vehicle sales & repair shop in the Agricultural Residential District; requested by Dustin Brummett. This request is located in Lots 9 & 10 of Collwell's Corner in the SW1/4 of Section 14, T 102 N, R 60, 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: Dustin Brummett would like to amend his current Conditional Use Permit granted on September 27, 2005, to expand his business onto Lot 9 of Collwell's Corner to construct a body shop and amend the conditions. His current Conditional Use Permit is for Lot 10 of Collwell's Corner with 5 conditions, maximum of 2 employees other than family, maximum of 5 unlicensed vehicles outside, limit on cars for sale is 10, and not parked along Hwy 37, permit not transferable to any other operator, & rodent control. Dustin explained starting a body shop is vital with what he does now. He is very limited on space, and he is subletting work which is not cost effective. He is asking to remove the limit of employees he is allowed to have, the number of vehicles for sale from 10 to 20, and the condition that his permit is nontransferable. The current conditions limit the growth of his business, which has been around for 19 years. With the expansion he will not be offering tow services.

There were concerns from an abutting neighbor about what the property will look like in the future, selling their house with parts and cars sitting around, and if a buffer could be put in place. Another neighbor commented on how Dustin is doing a good job cleaning up his property, has no traffic issues and doesn't have a lot of cars for sale. Dustin explained there will be inside storage for vehicles waiting extended periods of time on parts or insurance approval. Vehicles being worked on will be moved inside at the end of the day. He has plans for the Conservation District to plant trees in the Spring of 2024 and has no issues with planting trees on the south property line of Lot 9 for a buffer as he would prefer trees over a fence.

The main concern the board discussed was how to make sure the property doesn't become a nuisance without disrupting Dustin's business. They asked if he was able to put the building back by 30' to help the view of his neighbor to the south. Dustin explained he picked the proposed location due to utilities already present and the garage would block the view more than if he would move the building.

There was a motion to amend the September 27, 2005 Conditional Use Permit to add Lot 9 of Colwells Corner and amend the following conditions **from** there may be a maximum of 2 employees other than family, there may be a maximum of 5 unlicensed vehicles outside, the limit on cars for sale is 10, and the vehicles for sale are not to be parked along Hwy 37, the permit is not transferable to any other operator, & there will be adequate rodent control **to** there may be a maximum of 5 unlicensed vehicles outside, The limit on cars for sale is 20 with no consignment & add buffer of trees to the south property line of Lot 9 of Colwells Corner.

- Motion by Chris Nebelsick, seconded by Steve Thiesse, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

8. Consider a variance application requested by Daniel & Kara Mueller of:
 1. +/- 12', creating a setback of +/- 38' from the shed to the north property line, where the minimum side yard setback is ' in the Ag District.
 2. +/- 29', creating a setback of +/- 21' from the shed to the west property line, where the rear 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, less Lot H-1 & Tract 1 of Danny's Addition 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 decided to add more land and instead of replatting Tract 1, they platted out another Tract due to the financing on Tract 1. There are no landlock issues as an easement was added on Tract 1 to have access to Tract 2.

- 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 – absent, Nebelsick – aye, Balaalid – absent, Anderson – aye, motion carried.

9. Consider a Plat of Tract 2 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, less Lot H-1 & Tract 1 of Danny's Addition 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 concerns or comments on Plat.

- 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, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.

10. Consider a Plat of Tract 1 of Stacy's Additon in the NE1/4 of Section 20, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Mark Endres. This request is located in E.835.40' of S.766.32' of N.1823.87' of NE1/4 of Section 20, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Adminstrator Wegleitner gave an explanation of the plat proposal. The applicant was not present to answer questions.

Discussion: Mark Endres would like to build a shed but needs to Plat out land before issuing a building permit due to parcel described by measurements.

- 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 – absent, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.

11. Consider a Plat of Lot A of Jerry's Additon in the NW1/4 of Section 29, T 103 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Jerry Claseman. This request is located in Lot 6 in the NW1/4 of Section 29, T 103 N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Adminstrator Wegleitner gave an explanation of the plat proposal. The applicant was not present to answer questions.

Discussion: The applicant is platting out Lot A for his daughter. The proposed new parcel is in city jurisdiction and will follow their ordinance.

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

Roll call vote:

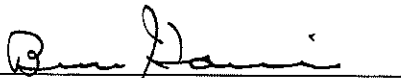
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.

12. Additional Comments from the Group

- None

13. Set date and time for next meeting – December 5, 2023 @ 1:15 P.M.

14. At 8:15 PM, a motion was made by Dave Anderson, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

December 5, 2023

1. Chairman Haines called the meeting to order at 1:15 P.M.
2. Roll call-quorum is met, simple majority vote required for all items.
 - Present: : Bruce Haines, Steve Thiesse, Dave Anderson, Ray Gosmire, Chris Nebelsick, & Karen Wegleitner.
 - Dialed in: Mike Blaalid
 - Absent: Lewis Bainbridge & Jeff Bathke.
 - Guests: David Rauscher.
3. Consider the amended agenda. To add item # 8.
 - Motion by Chris Nebelsick, seconded by Dave Anderson, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Steve Thiesse, seconded by Dave Anderson, to approve the Nov. 7, 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 David & Brenda Rauscher of:
 1. +/- 55', creating a setback of +/- 20' from the proposed shed to the east property line, where the minimum front yard setback is 75' in the Agricultural Residential District.

This request is located in Lot 1 of River Bluff's Addition in the NW1/4 of Section 12, T 103 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 present to answer questions.

Discussion: The applicant is requesting a variance due to the topography of the land and is unable to place proposed shed 75' back. He talked to his abutting neighbors about his project, and no one was opposed to the new building. The new approach will come off River Bluff Road. There are no issues with accessing utilities and not in a flood plain.

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

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Blaalid – aye (phone), Anderson – aye, motion carried.

8. Consider a Plat of Tract 1 of Blindauer's Addition in the SE1/4 of the SE1/4 of Section 18, T 104 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Chad Blindauer.

This request is located in S.274' of the E.324' in the SE1/4 of Section 18, T 104 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 applicant platted land due to being described by measurements.

Variances are not needed at this time, but future setback variances may be needed due to the size of the lot.

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

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Balaalid – aye (phone), Anderson – aye, motion carried.

9. Additional Comments from the Group

- None

10. Set date and time for next meeting – The board has switched the meeting date from January 2, 2024 to January 3, 2024 @ 1:15 P.M.

11. At 1:35 PM, a motion was made by Dave Anderson, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning