

PLANNING COMMISSION MINUTES

May 7, 2024

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, Chris Nebelsick, Jeff Bathke & Karen Wegleitner.
 - Absent: None.
 - Guests: Jordan & Nicole Gerlach, Brent, Peggy, Mollie & Brad Greenway, Jason Carpenter, Scott Blacksten, Daren Long, Loren & Preston Skinner, Albert Juffer, & Ray Trudeau.
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 Lewis Bainbridge, seconded by Steve Thiesse, to approve the April 2, 2024 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 Scott Blacksten to rebuild on an existing pad with an additional 2' for footings in the Agricultural District. According to the current Zoning Ordinance, the property does not meet the front (75') or rear yard (50') setbacks due to only being 108.29' deep.

This request is located in W.190' of the S.311.5' of the N.711.5' of the SW1/4 of Section 2, 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 present to answer questions.

Discussion: The applicant, Scott Blacksten, lost his building due to a fire and would like to rebuild on the existing pad. He is unable to meet the setbacks due to the lot being under the 150' minimum lot width set forth in the Ordinance. The board discussed if the building would encroach on the RR ROW with the additional 2', concerns of highway widening the ROW, how there is no grandfather clause for the concrete slab and history of building on when it was built, which the Planning & Zoning office will have to look into. The building itself will not be an issue with the RR ROW but during construction there is not enough room to the east to not encroach while building. The board discussed using the existing footprint to allow room, but Jason Carpenter explained it would be hard to not damage the concrete when jackhammering the holes. Jason explained the concrete will work for what he is using it for as it won't hold the structure as they will build around it. They could saw cut it back to the original size, create the footings and then pour the concrete back in.

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

Roll call vote:

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

8. Consider a Plat of Tract 1 of Blacksten Addition in the NW1/4 of the SW1/4 of Section 2, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota; at the request of Scott Blacksten.

This request is located in W.190' of the S.311.5' of the N.711.5' of the SW1/4 of Section 2, 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: No concerns with 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, Blaalid – aye, Anderson – aye, motion carried.

9. Consider a variance application requested by Preston Skinner of:

1. +/- 40', creating a setback of +/- 35' from the house to the west property line, where the front yard setback is 75' in the Agricultural Residential District.
2. +/- 10', creating a setback of +/- 0' from the shed to the east property line, where the rear yard setback is 10' in the Agricultural Residential District.
3. +/- 21.909 acres, creating a lot size of +/- 5.096 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District.

This request is located in Lot A of 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 variance application. The applicant was present to answer questions.

Discussion: The applicant, Preston Skinner, would like to build a shop on his parent's land for his business and to obtain financing the land needs to be in his name. The applicant's parents, Loren & Suzanne Skinner, are platting their land into Tract A & B. Tract A will remain in their name and Tract B will be transferred to Preston. There are some concerns with the east building being right on the property line and having no access to the back without encroaching on the RR ROW. The building is an existing one and has been okay for years. They will be sharing the same driveway on Tract A for access onto Tract B.

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

10. Consider a Plat of Tract A and Tract B of Skinner's Addition in the SW1/4 of Section 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota; at the request of Preston Skinner.

This request is located in Lot A of 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 Plat proposal. The applicant was present to answer questions.

Discussion: There is a 30' wide access easement on Tract A for access to Tract B. No concerns with the Plat.

- Motion by Steve Thiesse, 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.

11. Consider a Conditional Use application to allow the construction & operation of a kennel of 12 or more domesticated animals in the Agricultural Residential District; at the request of Jordan Gerlach & Albert Juffer.

This request is located in Lot 4 of Strand's Subdivision in the NE1/4 of Section 16, 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: Jordan Gerlach, the grandson of Albert Juffer, would like to start a kennel on his grandfather's land. Jordan & Albert would operate the kennel together and have plans for boarding 16 animals with possible expansion in the future. They have no plans on breeding animals. The board has advised them to check with USDA on their standards for pen sizes.

- Motion by Lewis Bainbridge, seconded by Mike Blaalid, to recommend approval of the Conditional Use 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 Conditional Use application to construct four (4) wind energy towers in the Agricultural District; at the request of Brad & Peggy Greenway.

This request is located in NW1/4, less BP Pork Addition in the NW1/4 of the NW1/4 of Section 8, T 103 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: The applicants, Brad & Peggy Greenway, would like to construct 4 wind energy towers to supplement energy needs for their barns. The height of the towers will be 100' and turbines are 31' in diameter with a total height of 116.5'. The board asked if they have plans to sell energy and they don't. The expected output would cover about 88% of their electric use each year and very little is expected to go back to the grid. The board asked what the life of the towers is and the overall maintenance. There is no life expectancy of the towers itself, but the turbines are about 20-30 years. The maintenance can be done by themselves or hire someone, but the maintenance is very minimum. The only 2 moving parts are the 2 bearings and those are replaced every 20 years. The other maintenance is to climb up there to make sure no other issues are going on.

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

13. Consider a variance application requested by Brad & Peggy Greenway of:

1. +/- 30', creating a setback of +/- 20' from the proposed wind towers to the west property line, where the minimum side yard setback is 50' in the Ag District.

This request is located in NW1/4, less BP Pork Addition in the NW1/4 of the NW1/4 of Section 8, T 103 N, 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 applicants, Brad & Peggy Greenway, are asking for a variance to keep the cost down on installing the power cables for the towers.

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

Roll call vote:

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

14. Consider a variance application requested by Ray Trudeau of:

1. +/- 22.48 Acres, creating a lot size of +/- 2.52 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District.
2. +/- 22.29 Acres, creating a lot size of +/- 2.71 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District.
3. +/- 22.88 acres, creating a lot size of +/- 2.12 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District.

This request is located in East 1/2 of the SW 1/4 of the SE 1/4 of Section 3, 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 present to answer questions.

Discussion: The applicant, Ray Trudeau is creating lots for his children to build on. He is also putting in a road, Trudeau Court, for access to the back 2 lots. The design is due to the floodplain to the east as he was trying to keep buildable areas out of the floodplain. There is plenty of rural water and an existing driveway but it is in the floodplain.

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

Roll call vote:

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

15. Consider a Plat of Lots 1, 2, and 3; and Trudeau Court, all in Trudeau Addition in the East 1/2 of the SW 1/4 of the SE 1/4 of Section 3, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota; at the request of Ray Trudeau.

This request is located in East 1/2 of the SW 1/4 of the SE 1/4 of Section 3, 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 only comment made on the Plat was about the 20' wide drainage easement. Ray explained it is just surface drainage due to water coming from the west.

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

16. Consider Plat of Lot 5-A, a Subdivision of Lot 5 of North Maui's First Addition, 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 Scott Palmer.
This request is located in Lot 5 of North Maui's First Addition, a Subdivision of 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 applicant, Scott Palmer, owns all of Lot 5. He is dividing his land into 2 separate parcels as he doesn't want all his land tied up into the bank. Lot 5-A will have access from Sara Ave.

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

17. Consider Plat of Lot 4 of D. & D. Long's First Addition, a Subdivision of Irregular Tract No. 3 in 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 Daren, Lisa, Devon & Ann Long.
This request is located in Irregular Tract No. 3 in the NE1/4 of Section 23, T 103 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 applicants, Daren, Lisa, Devon & Ann Long, are platting out a piece of ground to build on in the future.

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

18. Additional Comments from the Group

- None

19. Set date and time for next meeting – June 4, 2024 @ 7:00 P.M.

20. At 8:17 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

Karen Wegleitner

Karen Wegleitner

Deputy Director of Planning & Zoning