

# MARSHALL COUNTY PLANNING & ZONING COMMISSION

## Proposed Agenda

Regular Scheduled Meeting

March 24, 2020– 9:10 AM

Marshall County Courthouse, Commissioners Chambers

- I. Call to Order
- II. Roll Call
- III. Review & Approval of Minutes from March 10, 2020
- IV. New Business:
  - A. Drainage – Kirk Rabenberg (4 applications)**
    - 1) Reported by E. Collins-Miles
    - 2) Open Public hearing
      - a) Discuss new developments
      - b) Testimony from applicant
      - c) Testimony from proponents and opponents
      - d) Applicant back up for questions (if needed)
    - 3) Close public hearing
    - 4) Boards Discussion
      - a) Questions for audience (No new topics to be discussed)
    - 5) Drainage Board motion and roll call for vote
  - B. Drainage – Brandon Peters**
    - 1) Reported by E. Collins-Miles
    - 2) Open Public hearing
      - a) Discuss new developments
      - b) Testimony from applicant
      - c) Testimony from proponents and opponents
      - d) Applicant back up for questions (if needed)
    - 3) Close public hearing
    - 4) Boards Discussion
      - a) Questions for audience (No new topics to be discussed)
    - 5) Drainage Board motion and roll call for vote
  - C. Variance – Joel Carlson**
    - 1) Staff report by E. Collins-Miles
    - 2) Open Public hearing
      - a) Discuss new developments
      - b) Testimony from applicant
      - c) Testimony from proponents and opponents
      - d) Applicant back up for questions (if needed)
    - 3) Close public hearing
    - 4) Boards Discussion
      - a) Questions for audience (No new topics to be discussed)

- 5) P & Z Boards motion and roll call for vote for recommendation to County Commission

**D. Mitigation – REMINDER;**

- 1) The Marshall County Hazardous mitigation plan draft is complete and ready for review. This plan has been posted to both the County website and to the Marshall County Emergency Management Facebook page. All comments are needed to be given to NECOG by April 5, 2020 in order for them to be included in the plan. Written comments can be emailed to [alison@necog.org](mailto:alison@necog.org) or mailed to NECOG at 416 Production Street N., Suite #1, Aberdeen, SD 57401.

V. Building Permits

VI. Other

VII. Old Business

VIII. Adjourn

MARSHALL COUNTY PLANNING & ZONING BOARD  
PO BOX 9  
BRITTON, SOUTH DAKOTA

March 10, 2020

**Members Present:**

Doug Medhaug  
Matthew Schuller  
Lynda Luttrell  
LeRon Knebel  
Kevin Jones

**Others Present:**

Megan Biel, Auditor  
Erin Collins-Miles, P&Z Administrator  
Victor Rapkoch, Deputy State's Attorney

**Minutes:**

Knebel motioned; Luttrell seconded to approve the minutes from February 18, 2020. All members voted aye.

**Conditional Use Amendment:**

Westwood Hutterian Brethren has requested to amend their existing Conditional Use Permit for their swine operation to include a structure for the composting of animals on the property described as SW1/4 of Section 15, T128N, R58W. The petitioner is in conformance with Marshall County in regards to all other aspects of their operation. There is no application set in place for the amendment process.

Westwood Hutterian Brethren was approved for a Conditional Use Permit in 2006, allowing a 1,000 Swine Confinement and Animal Waste Management System. Shannon Lee made updates and brought Westwood up to date with current animal numbers in 2015. Their current breakdown approved by Marshall County is 13,602 head or 4,353 animal units. Westwood does not have any plans for an animal composting site on their current CU permit, so an amendment to the existing would allow for a site to be built and be in conformance with Marshall County. Schuller motioned; Jones seconded to approve the requested amendment to the existing Conditional Use Permit to allow an animal composting site to be added, per the Marshall County Zoning Ordinance. All members voted aye.

**Other:**

John Burger informed the Zoning Administrator that he would be beginning a gunsmithing business in one of the buildings located on his family's farm. This Limited Liability Company (LLC) is a permitted use in the Agricultural District and does not require a permit of any kind. If the business were to expand in the future, Mr. Burger would need to contact the office of the Zoning Administrator.

**Mitigation:**

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**Building Permits:**

Luttrell motioned; Jones seconded to approve the following building permits. All members voted aye.

Westwood Hutterian Brethren: animal composting unit; BP #3-2020

Azaria Angstman-Drexler; tiny home/dog kennel; BP #4-2020

Drew Amacher: enclosed lean-to/room; BP #5-2020

Alan Halverson: cabin; BP #6-2020

**Re-Zone:**

Kirby Stenvold requested to Rezone the following described property from Commercial District to Agricultural Fringe Protection District: The E594' of S220' of SE1/4SE1/4NE1/4 in Section 27, T127N, R58W of the 5th P.M., Marshall County, South Dakota. The petitioner is requesting to Rezone the above described property in order to keep livestock animals on the property and to be in compliance with the use of the land it would be Zoned as, as livestock animals are not permitted in a Commercial District. The Rezone would also make the land conform with other surrounding Zoning and bring it into compliance with the same use as other surrounding property. The property is currently Zoned Commercial. One objection was heard on February 18, 2020. Victor Rapkoch was present to discuss options available to Kirby Stenvold and how the County will be able to proceed with the matter. It was mentioned that the City will have to notice for the reading of the Rezone in their next City Council meeting in April. Stenvold will receive a letter from the Zoning office explaining the options discussed at the hearing. The Board did not and cannot take action on the Rezone until the City Council is also able to meet and discuss the matter at their next scheduled meeting.

**As seen in the official minutes written by Auditor, Megan Biel:** Rapkoch discussed the different options the County could pursue regarding the Stenvold zoning change application. The City will not discuss this until their meeting in April, so the board will not be taking action on this until then.

**Adjourn:**

Knebel motioned; Schuller seconded to adjourn. All members voted aye.

Submitted by:

Erin Collins-Miles, P&Z Administrator