

# MARSHALL COUNTY PLANNING & ZONING COMMISSION

## Proposed Agenda

Regular Scheduled Meeting

April 14, 2020– 9:10 AM

Marshall County Courthouse, Commissioners Chambers

I. Call to Order

II. Roll Call

III. Review & Approval of Minutes from March 24, 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. Drainage – Steven D. McLaen**

- 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

**D. 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
- 

V. Building Permits

VI. Other

VII. Old Business

VIII. Adjourn

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

March 24, 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

**Others Present via Zoom:**

Dustin Hofland, Highway Superintendent  
Sandy Dinger, County Highway Shop

**Minutes:**

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

**Drainage:**

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NW1/4 EXC N1/2NW1/4NW1/4NW1/4 of Section 22, T126N, R57W. The water will be drained north through the same property and into an existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NW1/4 of Section 9, T126N, R57W. The water will be drained west through the NE1/4 of Section 8, T126N, R57W and into an existing waterway which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NE1/4 of Section 29, T126N, R57W. The water will be drained through the same property and into an existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NW1/4 of Section 29, T126N, R57W. The water will be drained north through the culvert in the NW corner of the property. The water will then flow north in the road ditch to an existing creek in the SW1/4SE1/4 of Section 20, T126N, R57W; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the SE1/4 of Section 29, T126N, R57W. The water will be drained through the NE1/4 of Section 29 and into the existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025.



Jones motioned; Schuller seconded to postpone the decision to approve or deny the application(s) due to the current public hearing laws with the COVID-19 pandemic. The application(s) will be heard again on April 14, 2020. All members voted aye.

Brandon Peters has requested a Drainage permit to start construction of a drain on the property described as the SW1/4NE1/4 EXC SE1/4SW1/4NE1/4 of Section 30, T127N, R56W on the West side of 431st Ave. The tile would then go up into the property described as NW1/4NE1/4 EXC Levi and Michele Addition, lining both sides of a previously existing drain path, and will curve NW into the property described as NE1/4NW1/4 EXC HWY. The water would then flow into the ditch on the South side of HWY 10, or 110th St., and travel West until it reaches a culvert where the water would flow across HWY 10 in the culvert, and onto the property described as Lot 3 (NW1/4SW1/4), Lot 4 (SW1/4SW1/4) & E1/2SW1/4 of Section 19, T127N, R56W and into an existing stock damn on that same property; for the purpose of draining water away from crop land and to prevent future erosion of land. Construction will start on or before April 1, 2020 and will be completed on or before November 30, 2021. Jones motioned; Knebel seconded to postpone the decision to approve or deny the application due to the current public hearing laws with the COVID-19 pandemic. The application will be heard again on April 14, 2020. All members voted aye.

**Variances:**

Joel Carlson has requested a variance to build a garage with living quarters on the property described as Lots 15 thru 18, Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W. The petitioner is asking to place the building 12ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance. Knebel motioned; Jones seconded to postpone the decision to approve or deny the application and corresponding building permit due to the current public hearing laws with the COVID-19 pandemic. The application will be heard again on April 14, 2020. All members voted aye.

**Mitigation:**

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.

**Building Permits:**

Schuller motioned; Medhaug seconded to approve the following building permits. All members voted aye.

Peggy Johnson: home; BP #7-2020

Northwestern Energy/Clark Engineering; new equipment on existing pole; BP #8-2020

Nathan O'Brien: grain bin; BP #9-2020

**Stenvold Update:**

Kirby expressed to me that he wished to move forward with a Rezone and Variance to acreage size. I have called Kirby to reconfirm his decision and emailed a copy of the variance application to him. I have not yet received this completed application.

**Adjourn:**

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

Submitted by:

Erin Collins-Miles, P&Z Administrator