

# MARSHALL COUNTY PLANNING & ZONING COMMISSION

## Proposed Agenda

Regular Scheduled Meeting

November 21, 2023– 9:00 AM

Marshall County Courthouse, Commissioners Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Review & Approval of Minutes from November 7, 2023
- V. Matters for Board Discussion
- VI. Open
- VII. Disclosure of Conflicts/Ex Parte Communication
- VIII. New Business:
  - A. **Variance – Jeff Grobe (Postponed on 11/7/23)**
    - 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)
      - b) P & Z Boards motion and roll call for vote for recommendation to County Commission
  - B. **Flood Damage Prevention Ordinance for Marshall County, South Dakota, Ord. #62**
    - a) The Planning & Zoning Administrator, Erin Collins-Miles will read the second notice for the proposed Flood Damage Prevention Ordinance. A copy of the proposed Ordinance is available in its entirety for public review during normal business hours in the offices of the County Zoning Administrator, Erin Collins-Miles and the County Auditor, Megan Biel.
    - b) Discussion of adoption of Ordinance No. 62.
    - c) The reading of the ordinance and its adoption is to be determined to take place during Regular Session.
  - C. **Revised Zoning Regulations for Marshall County, South Dakota**
    - a) The Marshall County Planning and Zoning Commission will hold a public meeting to receive public input concerning Marshall County’s proposed Zoning Regulations. The Planning and Zoning Commission will make a recommendation to the Marshall County Commission concerning the adoption of the Zoning Regulations.

IX. Building Permits

X. Other

XI. Old Business

XII. Adjourn

MARSHALL COUNTY PLANNING & ZONING BOARD  
PO BOX 9  
BRITTON, SOUTH DAKOTA  
UNAPPROVED MINUTES  
**November 7, 2023**

The Marshall County Planning & Zoning Board met at 9:00 AM, November 7, 2023, at the Marshall County Courthouse. Present at the hearing were the following Board members; Matthew Schuller, Kevin Jones, Doug Medhaug, LeRon Knebel and Lynda Luttrell. Commissioner Schuller presided. Others present at the hearing were Erin Collins-Miles, Planning & Zoning, Megan Biel, Auditor, Victor Rapkoch, Marshall County State's Attorney, David Jark, David Seibel, Diane MacConnell, Eric MacConnell and Ryan Patterson.

**AGENDA:**

Knebel motioned; Medhaug seconded to approve the agenda. All members voted aye. Motion carried.

**MINUTES:**

Medhaug motioned; Jones seconded to approve the minutes from October 24, 2023. All members voted aye. Motion carried.

**MATTERS FOR BOARD DISCUSSION:**

David Seibel met with the Board to discuss a drainage matter in White Township. The Board has asked that David meet with the Township to discuss the matter and follow up with them, the Board of County Commissioners.

**VARIANCE:**

Pertaining to an application for Kent Duerre; Medhaug motioned; Knebel seconded to approve the requested 3' variance to the right-of-way line setback; allowing the structure to be built 27ft from the right-of-way line; per the Marshall County Zoning Ordinance and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Jones – Aye, Knebel – Aye, Schuller - Aye. Motion carried.

Pertaining to an application for Jeff Grobe; Medhaug motioned; Jones seconded to postpone the requested 8' variance to the right-of-way line setback until the next scheduled Commissioner Meeting on November 21, 2023. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Jones – Aye, Knebel – Aye, Schuller - Aye. Motion carried.

**CONDITIONAL USE:**

Pertaining to an application for Westwood Colony; A motion and roll call vote were taken to approve an application for a Conditional Use from the Marshall County Zoning Ordinance for Westwood Colony on the properties described as the NW1/4 and the NE1/4 both of Section 22, T128N, R58W of the 5th P.M., Marshall County, South Dakota; for a church building. Jones motioned; Medhaug seconded to approve the permit. Roll call vote; Medhaug – Aye, Schuller – Aye, Luttrell – Aye, Knebel – Aye, Jones - Aye. Motion carried.

**FLOODPLAIN:**

The Planning & Zoning Administrator, Erin Collins-Miles read the second notice for the proposed Flood Damage Prevention Ordinance. A copy of the proposed Ordinance is available in its entirety for public review during normal business hours in the offices of the County Zoning Administrator, Erin Collins-Miles and the County Auditor, Megan Biel. The reading of Ordinance No. 62 and its adoption will take place during Regular Session.

*IN REGULAR SESSION:* A member of the public had questions and concerns in regard to the proposed Flood Damage Prevention Ordinance. The Board voted to *postpone* the adoption of Ordinance No. 62 until the next scheduled hearing. *Please see the Auditor's official minutes.*

**BUILDING PERMITS:**

Luttrell motioned; Medhaug seconded to accept building permits for the following applicants: Rory Iverson of Red Iron Lake, Vietor Bros., LLC of Lowell, Kent Duerre of Lake (Variance) and Westwood Hutterian Brethren, Inc. of Newark (Conditional Use). All members voted aye. Motion carried.

Medhaug motioned; Jones seconded to postpone a building permit for the following applicant: Jeff Grobe of Lake Township (Variance).

**OTHER:**

An updated Zoning Fee Schedule was introduced. The first hearing to begin the adoption process of these revisions is November 21, 2023.

**ADJOURN:**

Knebel motioned; Luttrell seconded to adjourn as Planning and Zoning Board and convene as Marshall County Commission at 9:41 AM. All members voted aye. Motion carried.

**ATTEST:**

Erin Collins-Miles  
Marshall County Planning and Zoning Administrator  
Marshall County, South Dakota  
Published at the approximate cost of.....