



Davison County Planning & Zoning and Emergency Management
200 E. 4th Ave.
Mitchell, SD 57301-2631
Phone (605) 995-8615
Fax (605) 995-8642



PLANNING COMMISSION MINUTES
February 6, 2018

1. Chairman Haines called the meeting to order at 1:15 P.M.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Brenda Bode, Charles Storm, Jeff Bathke, Mark Jenniges.
 - Absent: Kim Weitala, Lewis Bainbridge,
 - Guests: Larry Petrik, Frank Baker, Paul Kostboth, Dan Mohr, William Neugebauer, Chad Neugebauer, Lincoln Neugebauer, Greg Tilberg, Steve Frank, Sarh Orr, Tim Neugebauer, Austin Luebke, Mary Stadlman.
3. Consider the amended agenda.
 - Motion by Gary Stadlman, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
4. Consider the January 2, 2018 Minutes.
 - Motion by Charles Storm, seconded by Steve Thiesse, to approve the January 2, 2018 minutes. All members voted aye, motion carried.
5. That Derek Mueller has appealed to the Davison County Planning Commission to recommend granting a variance for side yard setback +/- 40 feet, resulting in a setback of +/- 10 feet from the property line, where the side yard setback is 50 feet in the Agricultural District.
 - This request is pursuant to Section 408 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot A of FM Tilbergs 1st Addition in the NE 1/4 of Section 8, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was not present to answer questions. Discussion included that Derek would like to place 3 grain bins on the south side of the gravel driveway. He owns the land to the south. This location works well for turning around grain trucks.
 - After consideration of 1106 B-Variances, motion by Charles Storm, seconded by Gary Stadlman, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
6. That Chris DeRocher has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a concentrated animal feed operation in the Ag District.
 - This request is in pursuant to Section 304 (10) and Section 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Survey Plat of Derocher Tract 1 in the

Southeast Quarter of the Northeast Quarter of Section 33, T 101N, R 61 W of the 5th P.M., Davison County, South Dakota.

- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Wayne Gronseth called inquiring about the site location. Gregg Bult called questioning the odor of the new facility.
- The applicant was present to answer questions. Discussion included that this will be a 2,400-head finish swine over 55 pound which is 960 animal units. To give a comparison, Jackrabbit is 3,088 animal units. Chris will construct only 1 building on the site located 300' off the south property line and 300' from the right of way on the east. He intends to put up a 51' x 392' building. Jackrabbit has 4 buildings; 2 at 120' x 392', 1 at 156' x 392' and 1 at 80' x 196'. The building will be an open-air concept built 4' out of the ground to allow air to move through it. Curtains will be used in the winter time or while the pigs are smaller for heat purposes. Fans will blow air out the south side of the building.
- Commissioner Bode asked for some background from Chris to which he explained he built 3 in 2015 and 2 more this year around the Parkston area. They are of similar size. Commissioner Bode questioned who is responsible for what through this lease and agreement to which Chris replied he is responsible for the building and maintenance of the grounds. Sunterra is responsible for the pigs, pig's health, the workers, and the chores associated. When asked about odor, Chris said they will use a pit additive to help keep the odor down. Commissioner Bode inquired about the process of dealing with deceased hogs to which Chris answered they will be sent away on a rendering truck. The truck will come three times a week. They do not like to use compost sites as other animals may pull the pigs out into fields or brings more rodents into the area. Siouxland Rendering from Iowa is who he uses.
- Commissioner Stadlman was curious about distance to residences and P/Z Deputy Jenniges informed him the closest is 2,300' away. For a CAFO this size the requirement is not closer than 1/4 mile, for a CAFO over 1,000 animal units the requirement is 1/2 mile. Stadlman was questioned from a resident that works in the area why the setback is only 300', as he thinks since residents are 1/4 mile, facilities should be placed in the center of sections and 300' is too close to people working on land around it.
- Commissioner Theisse asked how the waste was going to be disposed of to which Chris answered it will be field injected. They will empty the pit once a year down to 6" or 12". Chris has his own lines he uses to empty the pit and does others in the area at the same time. It will be in the fall when the ground temperature gets below 50 degrees. They can empty the pit in 7 hours.
- Commissioner Haines questioned the layout of the facility and overall specs of how it will be built. Chris stated the pit will be 8' deep and 4' of that will be above ground at dock height so they won't have to use chutes for loading and unloading. The building will turn over three times a year and in-between each cycle Sunterra is responsible for cleaning/disinfecting the site.
- The floor was opened to the public for comments/concerns.
- Lincoln Neugebauer feels the 300' setback is not enough and the odor will be too much. He spends a lot of time across the road in his fields putting up and selling

hay. Believes the smell will drive people away from buying hay from him. He stated the land around there floods often from big rains or when the snow melts in the spring.

- Chad Neugebauer agrees that there is always water in the area and the ditches. Feels that if we keep allowing CAFO's we will end up like Iowa and have one every mile and it will crash the hog market, but all these people care about is the manure. He lives in the area and farms hay close by as well.
 - William Neugebauer has health issues and believes the CAFO will make his issues worse.
 - Paul Kostboth of A1 Development Solutions stated he is not a stakeholder in the barn, he has been contracted by Sunterra to help farmers/developers with the permitting process. Sunterra wants to maintain the biosecurity in the state to not have what happened in Iowa. Sunterra must sign off on all site locations before applications. The model that Chris is using is the best available model according to their research. The hogs have the best health in the open-air barns, and this is a Sunterra model barn.
 - Austin Luebke is part of Luebke Farms and stated that with corn prices the way they are, it's hard to buy fertilizer so they looked for new ways; and using the manure is one of those ways.
 - Chairman Haines thanked the public for their comments/concerns and for being respectful to each other.
 - Commissioner Bode doesn't want to see CAFO's all over and a need for a rendering service in the area. She understands where neighbors are coming from, but neighbors must also understand that until the local farmers refuse to sell their land more will try to come to the area.
 - Commissioner Thiesse is concerned with the waterflow in the area and possible flooding issues. He has been in the hay industry for years and has never had animals not eat the hay that was located in close proximity to manure.
 - After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Brenda Bode, to recommend approval of the Conditional Use Permit with the following conditions to the Board of Adjustment.
 1. Comply with all state and federal regulations.
 2. Comply with all sections of the Davison County Zoning Ordinance.
 3. Have a nutrient management plan in place.
 4. Have a written plan for the site to address cleanup and disposal of the structures when the economic life of the building has expired. The life of the building shall be considered expired if no animals occupy the building in a 12-month period.
 5. All manure shall be injected.
- Roll call vote:
Haines – aye, Stadlman – nay, Thiesse – aye, Storm –abstain,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
7. Considered a Survey Plat of DeRocher Tract 1 in the Southeast Quarter of the Northeast Quarter of Section 33, T 101N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Chris DeRocher.
- Deputy Administrator Jenniges explained the plat.

- The applicant was present to answer questions. This plat goes with item number 6 on the agenda.
 - Motion by Brenda Bode, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – absent,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
8. That Dan Mohr has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for an asphalt paving business in the Ag Res District.
- This request is in pursuant to Section 405 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Tract 2 of Witzel Tract in the SW 1/4 of Section 10, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Bathke explained the application, required notifications, and the GIS view. Doug Hansen called inquiring what Dan is doing and after explanation he has no objections to it.
 - The applicant was present to answer questions. Discussion included on August 6, 2013 the Planning Commission recommended approval of a Conditional Use Permit for an "Equipment Storage Building", which the Board Of Adjustment approved on August 13, 2013. This Conditional Use Permit is allowing Dan to operate an Asphalt Paving Business on the property (ProSeal). Planning & Zoning has no concerns.
 - Commissioner Bode was curious about the amount of traffic associated to the business, to which Dan stated the trucks leave in the morning and come back at night.
 - Commissioner Stadlman was curious if a hot-mix plant was going to be moved here, to which Dan said no.
 - Commissioner Haines inquired about the number of vehicles they had to which Dan stated under 10.
 - After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Brenda Bode, to recommend approval of the Conditional Use Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
9. That Petrik Sanitation has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a commercial trucking terminal in the Ag Res District.
- This request is in pursuant to Section 404 (9) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot K of W & L Addition in the NW 1/4 of Section 25, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Bathke explained the application, required notifications, and the GIS view. The sanitation business has been in operation at this location for several years. Frito Lay also operates at this location. Petrik Sanitation was recently awarded a contract to dispose of white goods from the landfill. A citizen called to ask if the property is zoned appropriately and has the proper permits to operate this type of business. Upon searching, no Conditional Use Permit was

found for the property. Jeff called Larry Petrik and Larry came in to resolve the matter. When Larry purchased the property, he was under the impression it was zoned Commercial and that he did not need a permit. There were previous businesses at this location, and his purchase agreement even stated it was Commercial Property. However, the property is Zoned Agriculture Residential, and does require a Conditional Use Permit. The Commercial Trucking Terminal CUP would allow trucks to enter/leave, but not allow recycling. Larry does not intend to operate a recycling business at the location, as the white goods will go directly from the landfill to Sioux Falls or Pukwana to be recycled. Three neighbors (Steve Frank, Lowell Titze, & Gregg Tilberg) contacted Planning & Zoning and would like to see a privacy fence, address the flies by possibly spraying out dumpsters and roll-offs, and a set timeframe when trucks are allowed to deliver/run; as they can hear trucks in the middle of the night.

- The applicant was present to answer questions. Discussion included Larry stating his trucks leave at 5:30 A.M. and come back at night. He does not intend to keep any recycling on site, if someone drops it off he will dispose of them. He is unaware of any complaints about his property or business.
- Commissioner Bode stated she had received some phone calls on this but they all stated he is a good neighbor.
- Commissioner Stadlman was curious about washing trucks or containers out on site to which Larry replied they do not do any washing there, that is done at a car wash.
- Commissioner Haines was curious about the number of trucks and equipment stored at the location, Larry stated he has 10 running trucks and 2 that are currently broke down for parts, 25-30 dumpsters, and 25 roll-offs. If the business grows more he will get more, but he doesn't foresee it growing much bigger. He does not intend to operate a recycling service on the property and understands this would require an additional Conditional Use Permit.
- Greg Tilberg believes the language of the CUP of a commercial trucking terminal is too broad and could lead to rendering trucks going in and out of the facility. He knows this is at the opposite end of the spectrum but is a valid point. Larry stated he plans to keep the business the way it is. P/Z stated that if Larry were to sell the land, the new owner would have to apply for a new CUP so as long as Larry owns it, the business will stay as it is.
- On GIS it looks like there is a right of way to the east, which could have been vacated at one time or is still a right of way. There will have to be some research to see if this will become a civil matter from Petrik using it or if it is still a right of way.
- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Charles Storm, to recommend approval of the Conditional Use Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.

10. Additional Comments from the Group. None

11. Set date and time of next meeting – March 6, 2018 @ 1:15 P.M.

12. Adjournment @ 3:23 P.M.

Bruce Haines
Planning Commission Chairman

Mark Jenniges

Mark Jenniges
Deputy Director of Planning & Zoning