



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES
March 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, Charles Storm, Kim Weitala, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
 - Absent: Brenda Bode
 - Guests: Jackie Bollock, Lonnie & Mary Bollock, Tim & Nicole Neugebauer, Andrew Neugebauer, Don & Cindy Auch, Jeff Larson, Frank Baker, Dave Epp, Gene Stehly, Lance Koth.
3. Consider the amended agenda.
 - Motion by Gary Stadlman, seconded by Charles Storm, to approve the amended agenda. All members voted aye, motion carried.
4. Consider the February 6, 2018 Minutes.
 - Motion by Steve Thiesse, seconded by Charles Storm, to approve the February 6, 2018 minutes. All members voted aye, motion carried.
5. That Lonnie Bollock has appealed to the Davison County Planning Commission to recommend granting a variance in minimum lot size, to create a development of lots of various sizes ranging from 1 to 1.51 acres; where the minimum is 25 acres in the Agricultural Residential District.
 - This request is pursuant to Section 407 and 409 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Lots 1 through 11, Block 1 and Lots 1 through 11, Block 2 of Powderhorn Subdivision in the SW ¼ of Section 24, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. There were a few responses from those notified. Most were just curious what was being done and after explaining it and directing them to the website with the GIS map they were okay with it. One letter was received against the variances for the following reasons: problem with neighbors, raises taxes, noise during construction, more people out there and not as quiet anymore, more traffic so won't be able to walk on the roads anymore, people not keeping up their properties, and more houses means interfering with their view.
 - The applicant was present to answer questions. Discussion included that they will have their own concepts drawn up by Don Peterson of Morgan Theeler on this development much like Enemy Creek Development. Jeff Larson of Quality Homes LLC will be assisting the Bollocks with the development and stated in their covenant it can only be houses constructed by Quality Homes LLC or Custom Touch LLC. These must be over 1400 square feet with neutral colors and a two-stall garage and many more regulations. This will be a nice development with nice new homes in it. An association will be made and the private road will

be provided by Bollocks and after so many lots are sold it will be turned over to the association just like in Enemy Creek.

- Commissioner Stadlman questioned the septic tanks for this area but after some research and phone calls stated he is okay with them if they leave the northeast corner of the remaining parcel alone to act as a natural filtration, but it could be hayed if allowable as that will create more growth.
- After consideration of 1106 B-Variations, motion by Gary Stadlman, seconded by Kim Weitala, to recommend approval of the Variance with the following conditions to the Board of Adjustment.
 1. Leave cattails or other vegetation in the flood plain in the Northeast corner.
 2. Only none resident structures may be built in the buffer zone (east 150') of Lot 11, Block 1 and Lot 11, Block 2.

Roll call vote:

Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – absent, Weitala – aye, motion carried.

6. Considered the naming of Longhorn Court as requested by Lonnie Bollock.

- Deputy Administrator Jenniges gave an explanation road.
- The applicant was present to answer questions. This is for the development to go with item number 5 on the agenda. LEPC voted and approved of the road name. This is a unique name and can be addressed as such. The name of the road has to be approved prior to the plat application which will be in front of the board next month with the first 4 required lots.
- Motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the road to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – absent, Weitala – aye, motion carried.

7. That Thomas & Tina Suhr have appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 25 feet, resulting in a setback of +/- 50 feet from the right of way, where the front yard setback requirement is 75 feet in the Agricultural District.

- This request is pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as SE 1/4 of Section 33, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Couple neighbors called just curious as to why they were notified and curious what the variance was needed for and after explanation none of them had any issues with it.
- The applicant was not present to answer questions. Discussion included that their son Matthew would like to put up a shed in line with an existing shed. They were granted a variance for the shed to the south in August of 2011 and this shed will be placed further from the right of way than that shed.
- After consideration of 1106 B-Variations, motion by Lewis Bainbridge, seconded by Kim Weitala, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,

Bainbridge – aye, Bode – absent, Weitala – aye, motion carried.

8. That Tim Neugebauer 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 is legally described as the Northwest 1/4 of Section 36, 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. There were a few calls with just questions about what was going on there. Tim Storm called with questions and wanted the meeting date moved as he will have a township meeting at that time.
 - 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. This will be the same size, setup, and layout that was just approved for Chris DeRocher last month. Tim lives on the quarter of land this will be built. His house is 2,230 feet to the north, the next closest is 4,485 feet to the southwest.
 - Tim stated this will be a Sunterra facility. There is a hog barn to the north which is a Blue Stem facility. He wanted to have the barn closer to his residents but with the creeks close to his house this was the best place. There will be a well on-site and a 2nd line used for back-up running from his house. 405th Ave is a township road that is graded in the summer time and in the winter is a no maintenance road, does not get plowed. He knows it will be his responsibility to plow it out for the trucks to get in and out of. He has talked to Rusty and the culvert to the north of the facility is big enough to handle the weight. He has been in contact with the township about maintaining the road and has no issue with a road agreement.
 - After consideration of the 1106 A-Conditional Uses, a motion by Gary Stadlman, seconded by Kim Weitala, 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.
 6. Road maintenance agreement with the township.
9. That Tim Neugebauer has appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 150 feet for a concentrated animal feeding operation resulting in a front yard setback of +/- 150 feet from the right of

Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge – aye, Bode – absent, Weitala – aye, motion carried.

way for a concentrated animal feeding operation where the required is 300' in the Ag District.

- This request is pursuant to Section 309(f) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NW 1/4 of Section 36, 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. There were no responses from those notified.
- The applicant was present to answer questions. Discussion included that Tim would like to move the CAFO closer to the right of way to save on farm ground, flatter ground towards the right of way, less dirt work and will put him on the top of a little hill which will make it easier for trucks entering and existing.
- Commissioner Weitala questioned if we had ever allowed it in the past to which Bathke stated yes, Maeschen's received a variance for setback.
- Commissioner Stadlman was concerned with trucks being able to turn around on-site or will they be parked on 405th Ave to which Tim acknowledged there will be enough room and trucks won't be turning around on the road.
- After consideration of 1106 B-Variations, motion by Steve Thiesse, 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 – aye, Bode – absent, Weitala – aye, motion carried.

10. That Tim Neugebauer & Chris DeRocher have 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 is legally described as East Half of the Northeast Quarter (E1/2 NE1/4) and Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 36, T 102N, R 61 W of the 5th P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. One neighbor called and said they are great neighbors but did raise concerns about the smell and traffic created due to the CAFO.
- 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. This will be the same size, setup, and layout that was just approved for Chris DeRocher last month. Tim owns the land.
- Tim stated Chris will build the barn on his land and after a few years he will buy Chris out. Tim's son will be working at the barn and also working on the acreage on the same parcel to fix up the house. There is a farmable wetland to the west of the proposed barn but there is nothing in the ordinance for distance to wetlands.
- Dan Auch has a small acreage to the east and is concerned about smell and that will drive down the price of his property if he were ever to sell.
- Cindy Auch wanted the board to know the Neugebauer's are great neighbors but has concerns with property values, questions if it will contaminate wells, wanted

to know how the pit worked, and is concerned over possible road issues on 261st St.

- Tim gave a description of the facility. The 8' deep concrete pit sits 4' below ground and 4' above ground. It can hold more than a years' worth of manure. They will inject it into their fields, which are no-till fields, in the fall and let neighbors know ahead of time and will do their best to be considerate when it comes to weather and wind for injecting. They don't want to cause any issues with the neighbors. The reason they chose the location they did was to keep it as far away from neighbors, they had discussed moving it further to the east, so they wouldn't have to maintain as much of 261st St but he wanted to move it further to be considerate.
- Dave Epp stated the Neugebauer's are great stewards of the land and neighbors and hopes they continue with this facility because if they are involved it will be done right and they will be courteous to the neighbors.
- After consideration of the 1106 A-Conditional Uses, a motion by Kim Weitala, seconded by Gary Stadlman, 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.
 6. Road maintenance agreement with the township.

Roll call vote:

Haines – aye, Stadlman – aye, Thiesse – aye, Storm –aye,

Bainbridge – abstain, Bode – absent, Weitala – aye, motion carried.

11. That Tim Neugebauer and Chris DeRocher have appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 150 feet for a concentrated animal feeding operation resulting in a front yard setback of +/- 150 feet from the right of way for a concentrated animal feeding operation where the required is 300' in the Ag District.

- This request is pursuant to Section 309(f) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as East Half of the Northeast Quarter (E1/2 NE1/4) and Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 36, T 102 N, R 61 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 response from those notified.
- The applicant was present to answer questions. Discussion included that they would like to move the CAFO closer to the right of way to save on farm ground.
- Commissioner Stadlman was concerned with trucks being able to turn around on-site or will they be parked on 261st St to which Tim acknowledged there will be enough room and trucks won't be turning around on the road.

- After consideration of 1106 B-Variances, motion by Gary Stadlman, seconded by Kim Weitala, to recommend approval of the Variance to the Board of Adjustment.
Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,
Bainbridge - abstain, Bode – absent, Weitala – aye, motion carried.
12. Additional Comments from the Group. Lance Koth presented a packet to the board on behalf of a non-profit group called "Citizens for Responsible Development". They have been doing research on wind energy systems (WES) and put together an ordinance they feel is acceptable for WES. They are not against renewable energy or WES, they just want it done right. They would like the board to look over the packet and adopt or use as a template in creating a WES ordinance for Davison County. They are willing to share any of the research they have collected. Their document is modeled after Letcher Township WES Zoning Ordinance and has been reviewed by Don Peterson of Morgan Theeler.
Commissioner Bainbridge wanted to know if the information in the document was validated or just opinions to which Lance said they have documents supporting their proposed ordinance and the board is welcome to view that documentation.
13. Set date and time or next meeting – April 3, 2018 @ 7:00 P.M.
14. Adjournment @ 2:52 P.M.

Bruce Haines
Planning Commission Chairman



Mark Jenniges
Deputy Director of Planning & Zoning