



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES
September 4, 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Charles Storm, Brenda Bode, Kim Weitala, Jeff Bathke, Mark Jenniges.
 - Absent: Steve Thiesse, Lewis Bainbridge.
 - Guests: Rex & Janice Balcom, Bradly J Hohn, Larry & Dawn Olsen, Robert L. Olsen, Lance & Kari Olsen, Arden & Jeannette Lemke, Jerney Wermers, Lance Thury, Lonny Hart, Shannon Larson, Shannon Lundquist, Jarod Klock, Jeff, Jarod Hanson, Lance Olsen, Kari Olsen, Kyle & Ashley Herges, Allen Jenks, Alan & Doris Schneider, Anne & Dale Smith, Kala Stange, Elder J. Herman, Harvey & Cheryl Smith, Josh Russell, Steve Thuringer, Christ Christopher, Sandy Syrstad, Bob Syrstad, Laura Beaver, James Mathis, Bruce Gillen, Patti Smith, Jerry Smith.
3. Consider the proposed agenda.
 - Motion by Gary Stadlman, seconded by Charles Storm, to approve the agenda. All members voted aye, motion carried.
4. Consider the August 7, 2018 Minutes.
 - Motion by Brenda Bode, seconded by Gary Stadlman, to approve the August 7, 2018 proposed minutes. All members voted aye, motion carried.
5. Public input-none.
6. That Rex and Janice Balcom have appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21.99 acres to create a lot size of +/-3.01 acres where the minimum is 25 acres in the Agricultural Residential District
 - This request is in pursuant to Section 407 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as A Plat of Lot E of Countyside Addition, A Subdivision of Lot 1 in the SE ¼ of Section 16, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. A neighbor came in wondering what was going on and how much development there was going to be. He was informed this is only for the farmstead.
 - The applicant was present to answer questions. Discussion included the history of the parcel and other lots around there. The location of the floodplain.
 - Stadlman questioned if there was going to be more subdividing to which Mr Belcom said no, he is just subdividing the farmstead for estate planning.
 - Steve Thuringer wanted to make sure only the portion of the map highlighted in red was being replatted to which was answered yes.

- After consideration of the 1106 B-Variances, a motion by Charles Storm, seconded by Kim Weitala, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – absent, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
7. Considered a Plat of A Plat of Lot E of Countyside Addition, A Subdivision of Lot 1 in the SE ¼ of Section 16, T 102N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Rex and Janice Balcom.
- Deputy Administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat goes along with item number 6 on the agenda. This is located within the three miles of Mitchell and their planning commission has recommended approval and city council will hear it tonight at their meeting.
 - Motion by Brenda Bode, seconded by Kim Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – absent, Storm – aye,
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
8. That Christ Christopher 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 S 1/2 of the NE 1/4 of Section 2, T 104N, R 62 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 Christ's setup will be similar to Hetland's just to the northwest. This will be a Pipestone facility.
 - Bode stated she had received many calls regarding the barn and would ask the questions that she had been asked by the public. Where do you live? Christ replied his parents live a couple miles to the northwest and he lives in town. When asked why he doesn't live on the site he said it is very hard for young guy to purchase land to farm and build on, so he hopes this will help with that as he will be investing into the facility. His father owns the land currently and will be deeding over the small area needed for the barn. When asked about why the location of the barn he replied their land is close to the location and they will use the same contractor to spread the manure as other local facilities. When asked about a road agreement, Christ responded he does not have on yet.
 - Weitala asked who will be involved and on the paperwork for financing the barn and Christ responded it would be his brother in law and him that will own the barn and Pipestone will own the pigs. She asked what his background was or job history and he replied that he has a 4 year degree from SDSU as an Agronomy major. He worked for Kelsey Seed as an agronomist after that for the past few years has been a full-time farmer.

- Stadlman asked if he has any other barns and Christ answered no, this is his first barn. He then asked what kind of barn it would be and if he planned on placing trees around it at all. Christ replied it will be a 100' x 200' tunnel ventilating barn. He was not planning to put trees around it but would not be against if needed.
- Storm asked for more details on the contract with Pipestone. Pipestone will do the chores for the first year per their contract and after that he can take over the chores. He will own the land. It's a 12-year contract.
- Haines asked if there was rural water there or if a well would be dug. Christ answer that they will dig a well, but there is rural water close and they will use that as a backup. He then asked about the road conditions up there and if he had a construction route or haul route figured out to which Christ answered they don't have a route at this time. The roads are fine and other barns use the same roads. Haines asked what the biggest reason for building the barn was and Christ replied that it's the manure for the land.
- Haines opened up the floor to public comment.
- Dave Estabrook stated that he has two barns close to this facility and Hetlands have one and they use the same roads Christ will be using and will not have any issues with them. He believes this is a good location for a barn. He said there would be smell the first year of the barn but after that there won't be. He has no problem with this barn and believes it's an excellent opportunity for Christ.
- Jim Mathis representing Ivan Mathis Life Estate said 3,300' to their house is too close. He agrees with the tree suggestion from earlier. He stated he runs a therapy business out of his house there and if the barn is approved people will stop coming for therapy. His clients are okay cattle, but not pigs. He is curious how much water the barn will take. He believes the barn should be further away, up north further. Christ responded to that saying that the reason it was in that location was to keep it further away from the Hetland barn and that it's on their land that they will be using the manure on, so it will take less time and expense to inject into their land.
- Jerry Smith of rural Lisbon Twp. believes these will affect the quality of life of the residents and wants to know when is to many barns in Davison County? He told 25 people of the meeting and no one knew about it.
- Dale Smith questioned the cost to pump the manure and if it was worth it. Christ answer that the manure from this facility is worth about \$20,000 dollars per year and the cost to have a contractor pump it is about \$10,000.
- Haines closed the portion of the public input.
- Bode questioned how long it takes to pump out the pit and who pumps it for them? It was answered that Pipestone has an approved pumpers list and they are allowed to choose who will pump. Mr. Estabrook stated he uses Pro Pumping which is a local contractor and approved by Pipestone and it takes them about a day to pump their pit. If he has to do it himself and haul the manure it takes about three days.
- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm 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 Blendon Township.

Motion by Gary Stadlman, seconded by Charles Storm, to amend the conditions of the conditional use permit to include:

7. Two rows of fast growth low shrubs on the south side of the barn to be maintained and living.

Seconded of original motion and amended condition by Gary Stadlman for approval of the Conditional Use Permit with the conditions to the Board of Adjustment.

Roll call vote:

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

9. That Jarod Klock 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 S 1/2 of the SW 1/4 of Section 32, 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. A neighbor came in wondering who was going to own the hogs, facility and asked how Jarod could afford to build this. He was informed these will be Klock's pigs and financials are not our responsibility.
 - The applicant was present to answer questions. Discussion included Jarod is looking to build a 2,400 head, 960 AU facility. His family currently owns one already and this will be their second.
 - Bode asked who's pigs they will be and Jarod answered it will be a Pipestone facility but his father has shares in the Pipestone system. She asked the style of the barn to which was answered it will be a tunnel vent style. Their first one was built in 2004. They will dig a well for water. Bode asked how close the land is for the manure to be spread and was answered the farthest would be 1 1/2 miles.
 - Weitala asked the location of the first barn and who will be financing the barn. The first barn is on 267th St. Jarod is partnering with Roger Gerlach, Frances Gerlach (parcel of land) is Rogers father.
 - Stadlman asked if there was an existing approach to which was answered no and so an approach would have to be approved from Rusty Wienberg, Davison County Highway Superintendent. He then asked where the water flowed from the land around the facility which was answered that it travels north and into Enemy Creek.

- Haines asked how the manure will be spread to which Jarod answered with their wagon but will be injected, just like their other facility and should take about two to three days to empty. Haines asked what the size of the pit will be, and Jarod answer it will be 10' side walls and you fill it to 8'. You empty it once a year.
- Stadlman asked if there would be trees around this facility, especially to the south to which Jarod said there is already a grove of trees to the south between the location of this facility and Gary Klumb's resident. Gary has also signed off being this close to the facility.
- Haines opened the floor to public comment.
- Bruce Calman asked if the county has asked any medical experts what all these barns will do the people of the county? He has COPD and is worried that kids will develop as well in the future due to these facilities. Has the county talked to runoff experts? Will all the runoff will create a "Lake Mitchell" effect in all the creeks and streams around the area? Has the county talked to law enforcement because the cheap labor that comes to build these facilities will issues with them and need to hire more personnel.
- Lyle Olsen, a Lisbon Twp. resident and board member, doesn't agree with the road agreements. The heavy trucks are ruining the roads. They don't have the money to fix them properly. If the contract with Pipestone is only a 12-year contract, what will happen with the barns?
- Dale Smith, a Lisbon Twp. resident and board member, went over a report created by District III out of Yankton "Davison County Rural Site Analysis." He says it states in there Davison County and more specifically Lisbon Twp. is not suited for these facilities. He presented a map with ground zero eight miles south of the Holiday Inn that has a circle with a 20-mile radius drawn and there are 122 CAFO's within that circle. He and a few others went and talked to every person in Lisbon Twp. to get them to come to the meeting and no one was for a CAFO. He can get a petition in his Twp. of at least 90% of the residents that are against CAFO's.
- Harvey Smith, Lisbon Twp. resident, suggested a one-year moratorium on CAFO's in Davison County. He wants to know how all these CAFO's have gotten this far and this many have been approved, none of them should be because they are not neighborhood friendly. He would volunteer to be part of group to figure out how and where they should be place in Davison County.
- Ron Halweg lives on Betts Road and said knifing in the manure will still smell. He left Iowa in 1978 because of all the hog facilities that stink down there. Davison County needs limitations on how many can be built here. He had hogs for 22 years.
- Tim Kummer lives 2 1/2 miles away from a hog barn and the trees don't help stop the smell. He came across a stuck truck in the road and went to help, it was loaded with hogs and over the weight limit. The reason was the barn had to be turned over fast and no time to follow the regulations.
- Kari Olsen, a Lisbon Twp. resident, deals with environmental permitting for her job and knows the Topeka Shiner is in Enemy Creek and runoff can go a long way and that will affect the endangered species.

- Cliff Mauer lives on Betts Road and moved there from Iowa. He believes you should have to live on the land and not just be able to place a barn down anywhere. He has Asma and if there get to be to many facilities around here he will have to move away. He didn't know anything about the proposed facility until a neighbor hold him.
- Arden Lemke has owned a Geo Thermal Drilling business for many years and when he drilled down at his place down to 67' and sent the water in for testing to the state, he was told the water was not for human consumption, so they use it to water their garden.
- Elder Herman asked, why don't they put them 1,100' from their house?
- Lance Olsen believes 80,000 trucks beat up the roads. He wouldn't have signed the paper that Gary Klumb signed to have the barn 1,100' from his house, he thinks that shouldn't be legal. If you knife in the manure it still puddles.
- Travis Gerlach is Jarod's brother in law and has a barn 700' from his house and there is a light smell from time to time. If you are careful how you knife in the manure you will not puddle. He believes it is hard to start farming as a young person and this is the best way to start farming.
- Lance Thury does the hauling of feed for Travis Gerlach and many other operations and invited anyone to come check his trucks for weight restrictions. He stated on average throughout span of time a set of hogs is in the facility the facility gets two feed trucks a week.
- Brad Hohn works for MDS out of Parkston and has been building hog barns for 29 years. He has yet to have one pit leak. The first barn he built is still up and functioning. He said runoff is not just from manure like everyone claims but from everything and asked people to go test around a golf course. These size facilities are not required to be state permitted but all of the barns that he builds are by state standards because that is their standard. Animals are animals, and all smell the same.
- Dan Reider lives in Lisbon Twp. His dad will have no relief from a barn because if this one is built he will have one to the south and one to the north, so he will get the smell in the winter and summer. He tried to build three murphy barns but couldn't due to the ground conditions.
- Haines closed the floor to public comment.
- Jarod stated this facility is on a county road and he will not be using township roads for this facility, but others use those roads so it's hard to blame the CAFO's for that. Gary Klumb has signed off being that close to the facility and his son, Tyler, will get the land and homestead and told his father Gary to sign off on it. The reason the facility is where it is, is because it's their land there and it's close and easy to get the manure to the fields. He does not have a 12-year contract with Pipestone, he has an indefinite contract with them for the pigs but can opt out of it with a year notice if he wants to use his own pigs. He has 5 kids and all 5 kids will help with the barn chores. He not only gets the manure for crops but also get a salary from Pipestone for doing the chores while they remain Pipestone pigs.
- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, 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.
 6. Road maintenance agreement with the county highway department.
- Discussion after the motion and second.
 - Storm stated that there is less runoff from injecting than top spraying. There are some facilities in the county that have test wells next to barns. If a farmer is testing and being responsible they should never max out their fields with manure. You test every year.
 - Stadlman believes that the state needs to be involved more since all of these barns are just under their amounts and maybe it's something the county can incorporate somehow in the future.
 - Bode spoke on the criteria this board is responsible for making decisions and they can't just be personal feelings. She has her set of criteria that she looks over as well and one being how much financial skin in the game does this applicant have.
 - Weitala looks at the bullet points of the conditions that are put on the conditional use permit and are they being met. She feels the county needs to find out where they are in the grand scheme of CAFO's and where they can go, if they can.

Roll call vote:

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

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

10. That Jarod Klock has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for:

- a) Setback from a non-participating residential dwelling of +/- 220 feet resulting in a setback from a non-participating residential dwelling of +/- 1,100 feet from a concentrated animal feeding operation where the setback is 1,320' in the Ag District.
 - b) Setback from the west right of way of +/- 100 feet resulting in a setback of +/- 200 feet from a concentrated animal feeding operation where the required setback is 300' in the Ag District.
- This request is in pursuant to Section 3:09(3)f, 3:09(6), and 3:09(7) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as S 1/2 of the SW 1/4 of Section 32, 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. There was no response from those notified.
 - The applicant was present to answer questions. Discussion included there is a signed letter in favor from the landowner they are requesting a variance from.
 - Storm feels this is to close to a neighboring residence.
 - Bode had concerns with the next generation but having heard from Jarod that it was Gary's son that told him to okay it, she is fine with it.

- After consideration of the 1106 B-Variances, a motion by Gary Stadlman, seconded by Brenda Bode, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – absent, Storm –nay, Bainbridge – absent, Bode – aye, Weitala – nay, motion carried.
11. That Kyle Herges has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for front yard setback of +/- 35 feet to create a front yard setback of +/- 40 feet where the minimum is 75 feet in the Agricultural District
- This request is in 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 Lot 16 of Enemy Creek Estates in the NE 1/4 & NW 1/4 of Section 16, T 102N, 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 was no response from those notified.
 - The applicant was present to answer questions. Discussion included the homeowners association has written a letter in favor of this. If this were to be built back at the 75' setback there would be issues with drainage as well as a lot more soil to be built up. There is currently a retaining wall to the east of the proposed location.
 - After consideration of the 1106 B-Variances, a motion by Gary Stadlman, seconded by Charles Storm, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
12. Discussion on possible Davison County Zoning Ordinance updates. Planning and Zoning went over any questions the board had from the previous months discussion or new topics pertaining to updating the ordinance.
13. Additional Comments from the Group. None
14. Set date and time for next meeting – October 2, 2018 @ 7:00 P.M.
15. Adjournment @ 10:11 P.M.

Bruce Haines
Planning Commission Chairman



Mark Jenniges
Deputy Director of Planning & Zoning