



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES

May 5, 2020

1. Chairperson Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse (telephonically), Charles Storm @ 7:20 P.M. (telephonically), Dave Anderson (telephonically), Brenda Bode (telephonically), Lewis Bainbridge (telephonically), Jeff Bathke (telephonically), Mark Jenniges.
 - Absent: Kim Weitala
 - Guests: John Jones, Justin Klumb, Shannon Larson, Jesse Helma, Billy Goldammer, Jarod & Courtney Deinert (telephonically), and Jim Jorgenson (telephonically).
3. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Dave Anderson, to approve the proposed agenda. Roll call vote:
 - Haines – aye, Thiesse – aye, Storm –absent, Bainbridge – aye, Bode – aye, Weitala – absent, Anderson– aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the April 7, 2020 Minutes.

Motion by Lewis Bainbridge, seconded by Dave Anderson, to approve the April 7, 2020 proposed minutes. Roll call vote:

Haines – aye, Thiesse – aye, Storm –absent, Bainbridge – aye, Bode – aye, Weitala – absent, Anderson– aye, motion carried.
6. Public input for items not on the agenda-none.
7. That the Donald & Lois Martin have appealed to the Davison County Planning Commission to recommend granting a variance in minimum front yard setback from an existing shed of +/- 52' to create a front yard setback of +/- 23' from the right of way where the minimum is 75' in the AG 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 will be legally described as Plat of Lot 2 of Donald & Lois Addition in the SW 1/4 of Section 7, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with no responses for or against.
 - The applicant was not present to answer questions. Discussion included that the applicant is replatting their land and has an existing non-conforming structure that was built in the 1970's. The shed is still in very good shape and they have no plan to tear down, hence the variance request.
 - After consideration of the 1106 B-Variences, a motion by Steve Thiesse, seconded by Dave Anderson, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:

Haines – aye, Thiesse – aye, Storm – absent, Bainbridge – aye, Bode – aye,
Weitalla – absent, Anderson – aye, motion carried.

8. Considered a plat of Lots 1, 2 and 3 of Donald & Lois Addition in the SW 1/4 of Section 7, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Donald & Lois Martin.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. The applicants are platting their quarter into three parcels. They are keeping the farmstead and pasture land as one, and the two others are farm ground. The house was previously platted, and now that parcel will be vacated by this plat. No variance is required because the plat with the residence on it is over the 25 acres. This plat is the reason for the variance on item number 7 of the agenda.
 - Motion by Brenda Bode, seconded by Dave Anderson, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – absent, Bainbridge – aye, Bode – aye,
Weitalla – absent, Anderson – aye, motion carried.
9. Considered a plat of Lot 1 of Schroder Addition in the NE 1/4 of Section 21, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Zach Schroder.
 - Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. The applicant is purchasing the land to eventually build a residence on. No variance will be needed as it is over the 25 acres. SD DOT has been contacted about the approach on SD Hwy 37. They will not allow another approach to be installed but may allow the existing to be widened.
 - Motion by Lewis Bainbridge, seconded by Dave Anderson, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – absent, Bainbridge – aye, Bode – aye,
Weitalla – absent, Anderson – aye, motion carried.
10. That Jarod & Courtney Deinert have appealed to the Davison County Planning Commission to recommend granting the following variances:
 1. Minimum for lot size of +/- 21.8 acres to resulting in a lot size of +/- 3.2 acres where the minimum is 25 acres in the AG District.
 2. Minimum front yard setback of +/- 35' for existing residence resulting in a front yard setback of +/- 40' setback from right of way where the minimum is 75' in the AG District.
 3. Minimum setback for 5 existing grain bins on parent parcel to new north property line of parent parcel of +/- 42' resulting in a setback of 8' setback where the minimum is 50' in the AG District.
 4. Minimum setback for existing 24' diameter grain bin on parent parcel to new west property line of parent parcel of +/- 25' resulting in a setback of +/- 25' setback where the minimum is 50' in the AG District.
 - This request is in pursuant to Section 307(4) and Section 308(1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Tract A, Located in Lot C of Deinert's First Addition in the NW 1/4 of Section 25, T 103N, R 62 W of the 5th P.M., Davison County, South Dakota. The parent parcel is legally described as Lot C of

Deinert's First Addition in the NW 1/4 of Section 25, Township 103 North, Range 62 West of the 5th P.M., Davison County, South Dakota.

- Deputy administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with no responses for or against.
- The applicant was present telephonically to answer questions. Discussion included the applicant is purchasing the land and house from their parents which are moving into town. The parents are keeping the farm. All the setback variances are for existing structures, no new structures are being built.
- Commissioner Anderson wanted to make sure there was no variance needed for the north side of the sheds on the parent property or south side of the house on the new parcel. Deputy Jenniges informed the board that there is about 102' between the house and the sheds and the new parcel line will split the two down the middle. Also, PZ will look into the distances between existing grain bins and include a variance if need so everything on the two parcels will be conforming.
- Commissioner Bode wanted to make sure there was access to the farmstead. PZ Deputy Jenniges reported that there is a 36' wide easement on the plat, which is item #11 on this agenda. Commissioner Bode wasn't worried about it now, but the board likes to look into the future and what issues could arise.
- After consideration of the 1106 B-Variances, a motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm – absent, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.

11. Considered a plat of Tract A, Located in Lot C of Deinert's First Addition in the NW 1/4 of Section 25, T 103N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of Jarod & Courtney Deinert.

- Deputy administrator Jenniges gave an explanation of the plat.
- The applicant was present telephonically to answer questions. This plat goes along with the variances from item number 10 of the agenda. There is an easement on the plat for access to the parent parcel.
- Motion by Steve Thiesse, seconded by Dave Anderson, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – absent, Bainbridge – aye, Bode – aye, Weitala – absent, Anderson – aye, motion carried.

12. That Jones & Klumb Family Farm LLC have appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to construct and operate 960 animal unit concentrated animal feeding operation in the Ag District.

- This request is in pursuant to Section 304(10) & 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE 1/4 of Section 35, T 103N, R 62 W of the 5th P.M., Davison County, South Dakota.
- Deputy administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent to the neighbors and it was published in the paper with one response in favor of the CAFO, that letter was email to the board ahead of the meeting.

- The applicant was present to answer questions. Discussion included the location of the barn to waterways and residence.
- John Jones spoke about his current barns and expanding with Justin Klumb. They will own the pigs and do all the chores and maintenance themselves. They grind feed at John's residence a mile down the road. Construction and animal haul routes will be on 399th Ave north to old highway 16. John spoke with neighbors inside and outside the one-mile notification zone that planning and zoning sent out notices to. John believes Helmas to the south are the only residences that have a partial issue with the barn. John stated he will do all he can to keep the smell down and is willing to plant trees on the north side of Helma's residence. With the direction of the winds though John believes there will not be a lot of smell. The smell is more when they are knifing in the manure and if it is smelling, he isn't doing something right and is losing money because the manure should be 6" to 8" in the ground.
- Commission Bode asked how long John has been involved with CAFO's and if he has ever had any complaints filed against his operations. John answer 22 years and never had any complaints. DENR will inspect and always seem to nit pick until they find something, but he has never been written up. Commissioner Bode was glad to hear they talked to their neighbors ahead of time. Commissioner Bode was also glad to hear about the trees being planted and brought up that Iowa has a landscape program she would like the county to look into for CAFOs.
- Commissioner Bainbridge was happy to see the next generation getting involved.
- Commissioner Haines opened the floor to public comment at 7:40.
- Jesse Helma has lived on an acreage about 1 mile south of the facility with his wife and 3 kids for about 6 years. They have put about \$50,000 into their homestead and believe the value will go down and no one will want to live there if they sell. He and his wife have allergies and the kids could in the future. He has worked on a farm for 5 years. He knows the knifing the manure into the ground is only 2 to 3 days and does not mind that. He is concerned 399th will get torn up and that is the road his family uses.
- Billy Goldammer has concerns with 399th being torn up as well. This is the road his family uses to get into town.
- Shannon Larson had concerns with 399th as well. Wonders how the county can fix the roads?
- Jim Jorgenson representing Mt. Vernon Township appeared telephonically and has concerns with 255th St which is a township road and it will be the feed road used from John's farmstead to the new facility. Jim is concerned how the township will be able to pay for the maintenance of the roads.
- Hearing no others wishing to comment, Commissioner Haines closed the portion of public comments at 7:49.
- John Jones stated he placed the barn where he did to have the least impact on neighbors and roads. He does not believe that Helmas will get as much smell with the location he picked due to the predominate winds in the area. He is willing to plant trees to help alleviate the possibility of smell at the Helma residence. They picked the location partly because it will be closer to some of their land that they will be applying the manure and hauling feed will be less

impactful on the roads then their tankers when it is time to spread the manure. Said living in the country dust and smell from roads, cattle, and swine is a way of country life. He currently has a lagoon for swine at his farmstead and said he will never go back to that again; these open curtain barns are the way to go.

- Deputy administrator Jenniges stated that Jones and Klumb Family Farm LLC has applied to the South Dakota Reinvestment Payment Program and with their anticipated costs to build the barn, the county would receive about \$21,000 dollars back. The county is still working out details on how to distribute some of this money to townships with the hope of them using it for the roads. Also, Deputy administrator Jenniges gave a brief summary Deputy States Attorney Taylors opinion on the use of roads in the county. Roads are considered government and they are there to be used by everyone.
 - After consideration of the 1106 A-Conditional Uses, a motion by Lewis Bainbridge, seconded by Dave Anderson, to recommend approval of the Conditional Use Permit. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – absent, Anderson – aye, motion carried.
13. Additional Comments from the Group.
 14. Set date and time for next meeting – June 2, 2020 @ 7:00 P.M.
 15. At 8:05 P.M., a motion by Brenda Bode seconded by Dave Anderson to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson



Mark Jenniges
Deputy Director of Planning & Zoning