



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

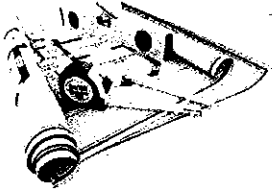


PLANNING COMMISSION AGENDA
March 6, 2018

1. Call to order at 1:15 P.M. by Chairman Haines.
2. Roll Call.
3. Consider the agenda.
4. Consider the February 6, 2018 Minutes.
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.
6. Consider a recommendation to the County Commission on a new road name-Longhorn Court; requested by Lonnie Bollock.
7. That Thomas & Tina Suhr have appealed to the Davison County Planning Commission to recommend granting a variance in front yard setback of +/- 25 feet to create a front yard setback of +/- 50 feet from the right of way.
8. That Tim Neugebauer has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a concentrated animal feeding operation in NW 1/4 of Section 36, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.
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 way for a concentrated animal feeding operation.
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 feeding operation in East Half of the Northeast Quarter (E1/2 NE1/4) and Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) all in Section 36, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.
11. That Tim Neugebauer & Chris Neugebauer 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.
12. Additional Comments from the Group.
13. Set date and time for next meeting – April 3, 2018 @ 7:00 P.M.
14. Adjournment.

Mark Jenniges

Mark Jenniges
Deputy Director of Planning & Zoning



Davison County Planning & Zoning and Emergency Management
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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, Sarah 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 or 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

DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Lonnie Bollock
Applicant Address: _____
Applicant Email: _____

Application date: 2-16-18
Application deadline: 2-16-18
Contact Phone: 999-7248

Owner Name: Joy Bollock
Owner Address: PO Box 280, Mitchell, SD 57301
Owner Contact Phone: _____

Parcel Number of parent parcel: 03000-10361-243-05

Legal Description of proposed parcel: Lots 1 through 11, Block 1 and Lots 1 through 11, Block 2 of Powderhorn Subdivision in the SW ¼ of Section 24, T 103 N, R 61 W of the 5th P.M. Davison County, South Dakota.

Reason for Variance: Subdivision

This request is pursuant to Section 407 and Section 409 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

Reason for Request to include hardships: Would like to parcel of 22 lots.

Section of Code Allowing Variance: 407, 409(5), 1106 B, and 1206 B

Fee Collected for Variance (\$100): _____

Check #: _____

Receipt #: _____

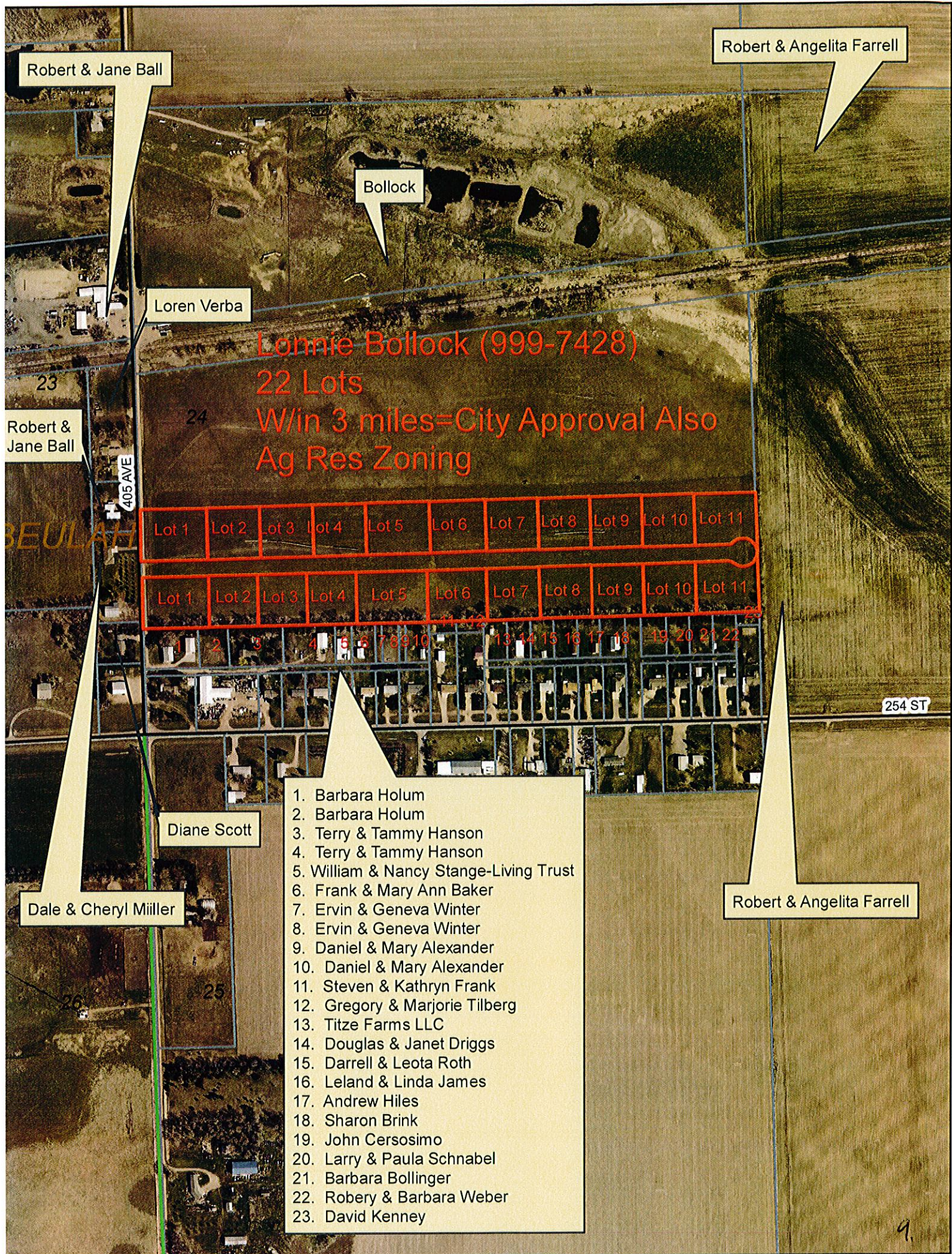
Planning Commission Hearing Date: 3-6-18

Board of Adjustment Hearing Date: 3-13-18

Required Items:

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Residential, Agricultural
- Application Fee

Signatures of Applicant: _____ **Date:** _____



Robert & Jane Ball

Robert & Angelita Farrell

Bollock

Loren Verba

Lonnie Bollock (999-7428)
22 Lots
W/in 3 miles=City Approval Also
Ag Res Zoning

Robert & Jane Ball

405 AVE



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

254 ST

Diane Scott

Dale & Cheryl Müller

Robert & Angelita Farrell

1. Barbara Holum
2. Barbara Holum
3. Terry & Tammy Hanson
4. Terry & Tammy Hanson
5. William & Nancy Stange-Living Trust
6. Frank & Mary Ann Baker
7. Ervin & Geneva Winter
8. Ervin & Geneva Winter
9. Daniel & Mary Alexander
10. Daniel & Mary Alexander
11. Steven & Kathryn Frank
12. Gregory & Marjorie Tilberg
13. Titze Farms LLC
14. Douglas & Janet Driggs
15. Darrell & Leota Roth
16. Leland & Linda James
17. Andrew Hiles
18. Sharon Brink
19. John Cersosimo
20. Larry & Paula Schnabel
21. Barbara Bollinger
22. Robery & Barbara Weber
23. David Kenney



Engineers • Planners • Surveyors
 1250 North Dakota Boulevard, P.O. Box 396
 Mitchell, South Dakota 57501-0396
 Phone: (605) 996-7761 • Fax: (605) 996-0015

PRELIMINARY
NOT FOR CONSTRUCTION

Plan No. Scale: 1" = 200'
 Drawn By: MCB
 Checked By: PAK
 Date: 02/07/2007
 Project No.: 14980
 File Name: **

Project Name:
**PROPOSED
 POWDERHORN
 SUBDIVISION-
 BOLLOCK
 FAMILY**
 Located in:
**Devision County,
 South Dakota**

Sheet Name:

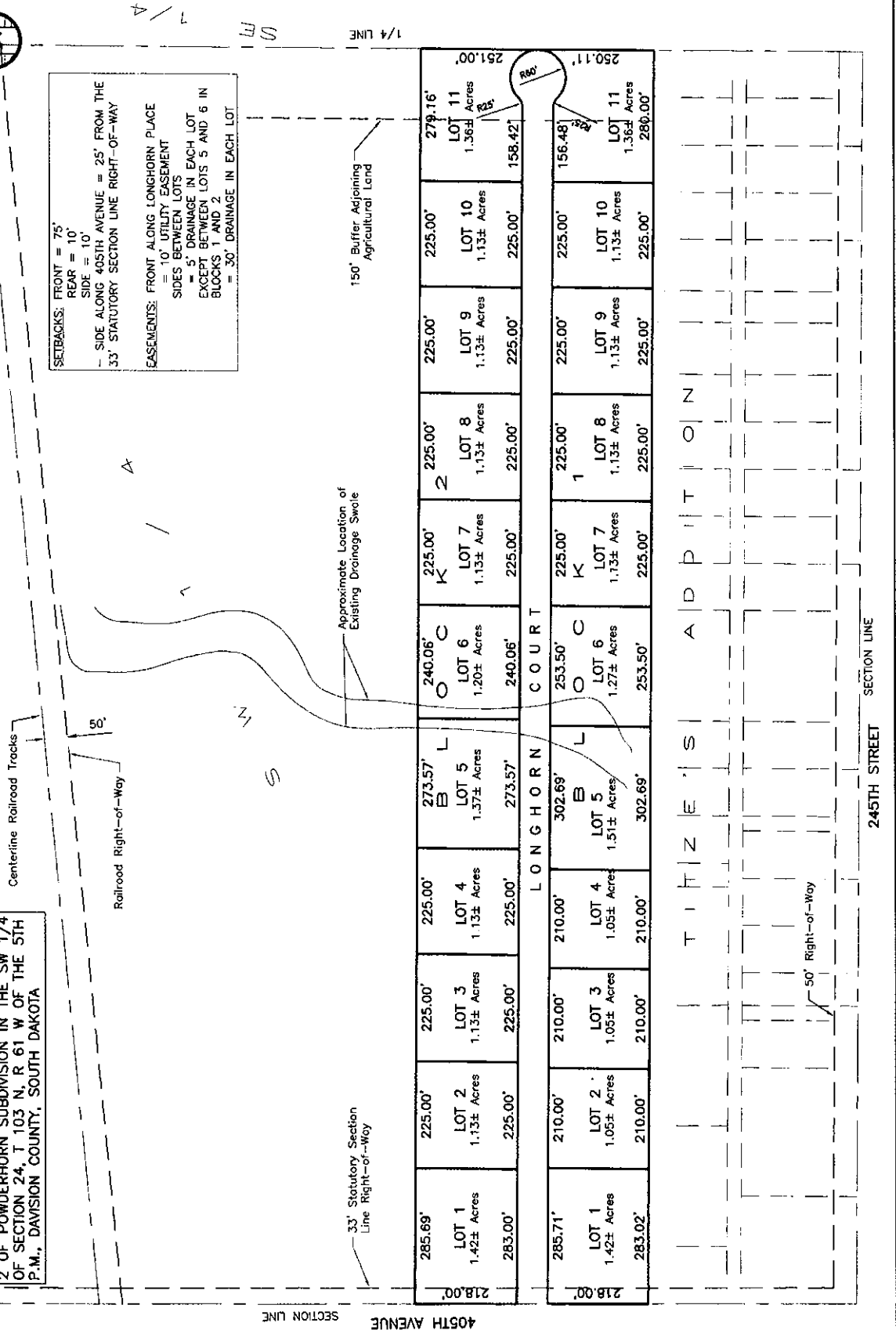
Sheet Number:
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**PROPOSED DEVELOPMENT OF LOTS 1 THROUGH
 11, BLOCK 1 AND LOTS 1 THROUGH 11, BLOCK
 2 OF POWDERHORN SUBDIVISION IN THE SW 1/4
 OF SECTION 24, T 103 N, R 61 W OF THE 5TH
 P.M., DAVIDSON COUNTY, SOUTH DAKOTA**

SETBACKS: FRONT = 75'
 REAR = 10'
 SIDE = 10'
 — SIDE ALONG 405TH AVENUE = 25' FROM THE
 33' STATUTORY SECTION LINE RIGHT-OF-WAY

EASEMENTS: FRONT ALONG LONGHORN PLACE
 = 10' UTILITY EASEMENT
 SIDES BETWEEN LOTS
 = 5' DRAINAGE IN EACH LOT
 EXCEPT BETWEEN LOTS 5 AND 6 IN
 BLOCKS 1 AND 2
 = 30' DRAINAGE IN EACH LOT



SECTION LINE
 405TH AVENUE

SECTION LINE
 245TH STREET

DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Suhr, Thomas & Tina (Matthew)

Application date: 2-15-18

Applicant Address: 26781 409th Ave, Dimock, SD 57331

Application deadline: 10-23-17

Applicant Email: _____

Contact Phone: 605-933-9035

Owner Name: Same

Owner Address: Same

Owner Contact Phone: Same

Parcel Number of parcel: 10000-10160-334-00

Legal Description of parcel: SE 1/4 of Section 33, T 101 N, R 60 W of the 5th P.M. Davison County, South Dakota.

Reason for Variance: Recommend granting a variance for front yard setback +/- 25 feet, resulting in a setback of +/- 50 feet from the right of way.

This request is pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended, which can be found at <http://www.davisoncounty.org/wp-content/uploads/2014/03/Davison-County-Zoning-Ordinance.pdf>.

Reason for Request to include hardships: Would like to build a 60' x 64' machine shed in line with existing shed.

Section of Code Allowing Variance: 308, 1106 B, and 1206 B

Fee Collected for Variance (\$100): 2-15-18

Check #: 9650

Receipt #: 415

Planning Commission Hearing Date: 11-7-17

Board of Adjustment Hearing Date: 11-14-17

Required Items:

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Agricultural.
- Application Fee

Signatures of Applicant: _____ **Date:** _____

Debbie Boltjes

Gerald & Barbar Weber

Donald & Gladys Fergen
Family Trust

Thomas & Tina Suhr

409 AVE

33

ROME

Thomas & Tina Suhr

Thomas & Tina Suhr
Matthew Suhr
60' x 64' Machine Shed
Section 308
+/- 25' setback resulting
in a +/- 50' setback

268 ST

David & Linda Hauser
Family Trust

Eldon & Martina Hohn
Life Estate

DAVISON COUNTY CONDITIONAL USE APPLICATION

Applicant Name: Tim Neugebauer

Application Date: 2-9-18

Applicant Mailing Address: 26702 405th Ave, Ethan, SD 57334

Applicant Email: _____

Contact Phone: 605-999-0655

Owner Name: Same

Owner Address: _____

Owner Contact Phone: _____

Parcel Number of Parent Parcel: 11000-10161-362-00

Legal Description of proposed parcel: NW 1/4 of Section 36, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Zoning District: Agriculture District

Reason for Conditional Use Request: To construct a 960 animal unit concentrated animal feeding operation in the AG District.

Section of Code Allowing Conditional Use: Section 304 (10), 309, 1106 (A), and 1206 (A)

Fee Collected for Condition Use (\$100): 2-9-18

Check #: 13257

Receipt #: 375

Planning Commission Hearing Date: 3-6-18

Board of Adjustment Hearing Date: 3-13-18

FOR ANIMAL FEEDING OPERATIONS ONLY:

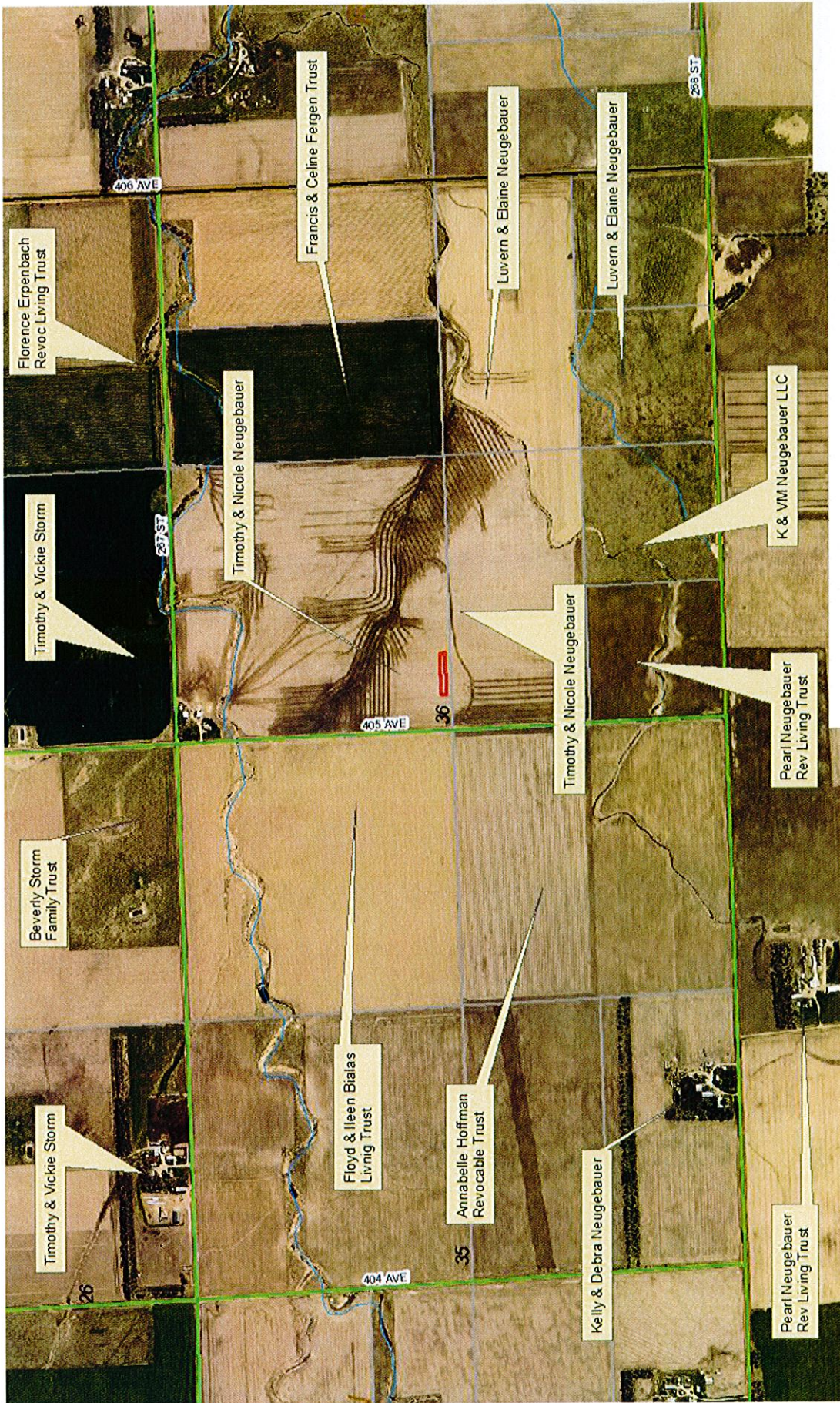
Current Animal Units in Operation: none

Proposed Expansion of Operation: 960

Required Items:

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures
- Application Fee

Signatures of Applicant: _____ **Date:** _____



February 15, 2018

Davison County Planning Commission
C/O Davison County Planning & Zoning Director
200 East 4th Avenue
Mitchell, SD 57301

Dear Members,

This letter and the information contained herein will serve as Tim Neugebauer's submittal to comply with Section 3:09. Concentrated Animal Feeding Operation Standards (500 to 999 Animal Units) of the Davison County Zoning Ordinance in support of its application for a conditional use permit for a 2,400-swine finishing unit (960 AU) to be located in the NW1/4 of Section 36 of Tobin Township, T101N, R61W in Davison County, South Dakota.

What follows is in direct response to Section 3:09.

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources and the Planning & Zoning Office.
 - a. An official 3rd party Nutrient Management Plan (NMP) will be completed and submitted to both the Planning & Zoning Office for approval prior to construction and the SDDENR for verification of compliance. A Notice of Completion for a Certificate of Compliance will be obtained after construction as required by the Zoning Ordinance.
2. Prior to construction, such facilities shall obtain a storm water permit for construction activities from the South Dakota Department of Environment and Natural Resources. The storm water pollution prevention plan required by the permit must be developed and implemented upon the start of construction.
 - a. A storm water permit for construction will be obtained from SDDENR prior to construction as required.
3. Animal Feeding Operation confinement and waste facilities shall comply with the following facility setback requirements:
 - a. As illustrated in the attached site plan (Exhibit A), the proposed facility will meet or exceed all setbacks as required in the Davison County Zoning Ordinance for a CAFO consisting of 500 – 999 animal units.
4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification.
 - a. An official 3rd party Nutrient Management Plan (NMP) will be completed and submitted to both the Planning & Zoning Office for approval prior to construction and the SDDENR for verification of compliance. A Notice of Completion for a Certificate of Compliance will be obtained after construction as required by the Zoning Ordinance.
5. Animal feeding operation confinement and waste facilities shall be located no closer than one (1) mile from any incorporated municipality.
 - a. As illustrated in the site plan, the proposed facility is not within one (1) mile from any incorporated municipality.

6. Animal feeding operation confinement and waste facilities shall be located no closer than one-quarter ($\frac{1}{4}$) mile from any church, commercially zoned area, or residential dwelling. One or more dwelling units are allowed on the facility site. Residential dwellings associated with the animal feeding operation do not have to meet setback requirements.
 - a. As illustrated in the site plan, the proposed facility is not closer than one-quarter ($\frac{1}{4}$) mile from any church, commercially zoned area, or residential dwelling. Our personal residence is directly north of, and the closest to, the proposed facility.
7. The owner and/or operator of a proposed animal feeding operation or the owner and/or developer of proposed residential property may request a variance decreasing the separation distances required by this Article. Prior to approval of a variance in the agriculture district the owner(s) of all property within $\frac{1}{2}$ mile of the proposed animal feeding operation will be informed of the application by mail at least 10 days prior to any hearings.
 - a. As illustrated in the site plan, there are no residential properties within the required setback and therefore no variances required.
8. Animal waste shall be transported in leak proof containers and all hauling equipment shall comply with Davison County load limits.
 - a. Manure from the facility will be transported via either dragline hose or in leak proof tankers and incorporated in to the soil of the lands in the NMP by injection. Davison County load limits will be followed.
9. Animal waste generated outside of and transported to Davison County for the purpose of land application shall comply with manure application setbacks as prescribed in this section.
 - a. There will be no manure generated outside of and transported in to Davison County.
10. Animal feeding operations shall prepare a facility management plan to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis.
 - a. Mortality management shall be done in compliance with one of the methods allowed by the South Dakota Animal Industry Board. Current plans are to place a rendering service on contract to promptly dispose of mortalities. Mortalities will be screened by a 3-sided, minimum of 4' high enclosure as illustrated in the site plan.
 - b. The liquid manure is stored in a concrete pit below the facility which protects exposure to weather elements and will be applied by injection directly in to the soils, both of which greatly reduces the potential for odor. Our intent will be to apply the manure annually in the fall after harvest, when the temperatures are cooler and air less humid which further aids in odor reduction. We will also make every effort to avoid applying on windy days or ahead of anticipated saturating rains even though manure is being injected which makes any kind of runoff very unlikely even in significant rain events.
 - c. The site will be graded to direct storm-water drainage away from the facility so to avoid any standing water near the facility.
 - d. Additional fly and rodent mitigation practices to be implemented at the facility will include such things as the prompt removal of any spilled feed, repair of any leaking waterers, proper gravel barriers and mowing to discourage rodent encroachment, and commercial insecticides and rodent baits will be used in an appropriate manner.
11. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is incorporated or injected:

- a. All manure application setbacks will be followed in accordance to the Zoning Ordinance and incorporated by injection in to the soil.
12. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is irrigated or surface applied:
- a. It is our intent that manure from the facility will only be applied and incorporated by injection. In the rare instance when manure may need to be irrigated or surface applied all application setbacks will be followed in accordance to the Zoning Ordinance.

Additional Information

As illustrated in the attached odor model (Exhibit B), we are proposing to position the facility in such a way to avoid potential odor impacts on neighbors as much as possible. With even our closest neighbors being beyond the 98% nuisance level, we are not planning to plant a shelterbelt at this time which would have the potential of unnecessarily restricting the fresh air flow through our naturally ventilated barn. Below is additional information written by Dr. Erin Cortus pertaining to the South Dakota Odor Footprint Tool provided by SDSU:

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An odor footprint is shown through annoyance-free frequency curves during warm weather. For example, an annoyance-free frequency of 97% means that annoying odors should not be experienced more than 22 hours a month between April and October, at or beyond the setback distance estimate. The affected area is rarely a perfect circle around an odor source – this is because there are different setback distances in different directions, depending on the prevailing winds between April and October for the selected county. Annoyance-free does not mean odor free. Annoyance-free means the odor intensity is a 2, on a scale of 0-5, for which the majority of the population would not find annoying. Note: Cold weather reduces odor generation by manure sources, so the footprint would be smaller during winter months.

Odor footprint estimates are useful for livestock producers, local government land use planners, and citizens concerned about the odor impact of existing, expanding or new animal production sites. These estimates are based on measured odor emission rates and dispersion modeling. SDOFT takes average South Dakota climatic conditions into account. While SDOFT does not take into account all of the impacts topography and site-specific features (like animal diet and management) can have on the odor footprint for a particulate site, it does provide a starting point for investigating the impacts odor-mitigating technologies can have on the area surrounding a facility.

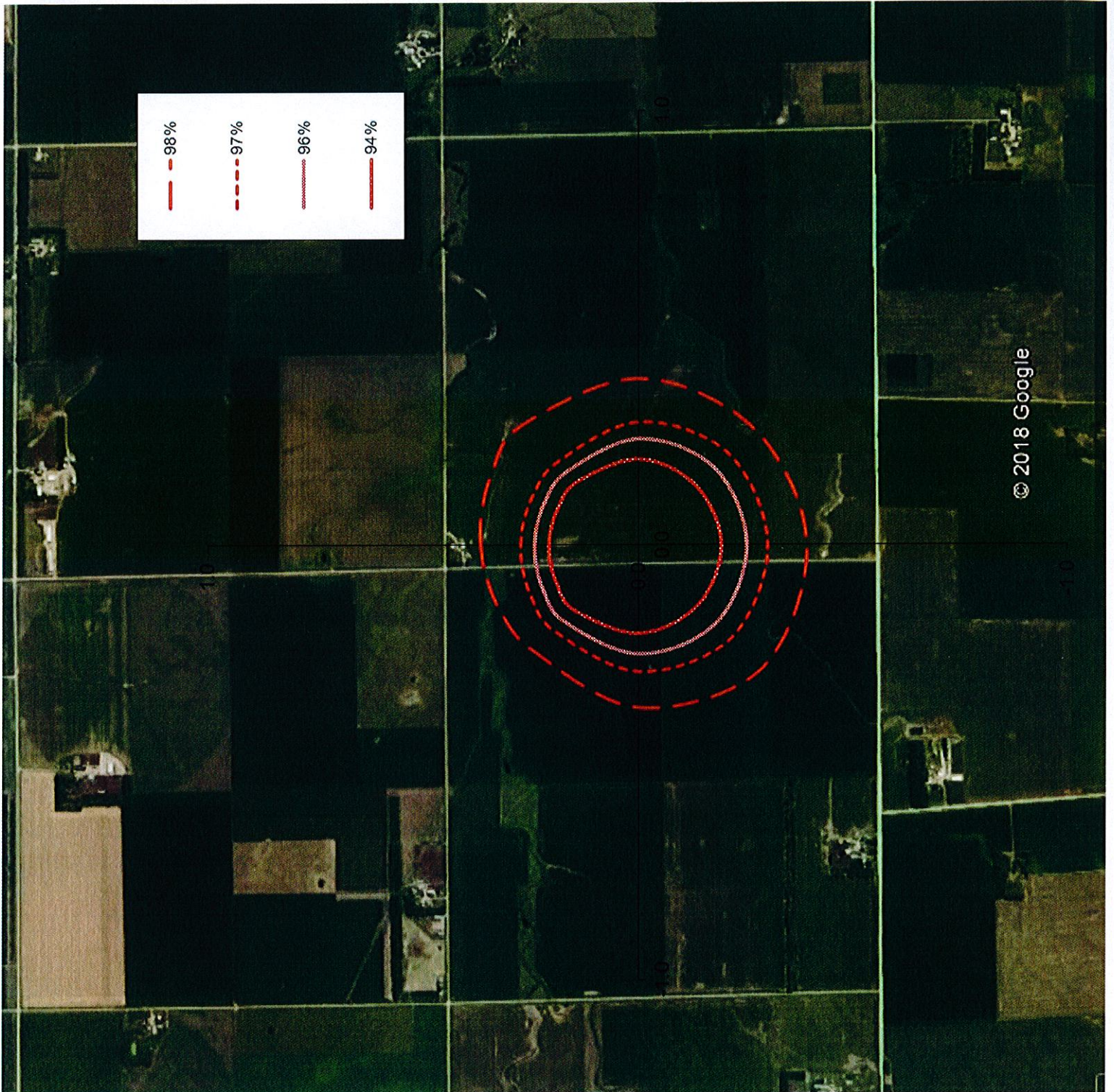
The proposed facility will be located near our home and managed daily by us with the professional assistance and guidance of Sunterra Farms which will ensure proper, quality management at all times.

We appreciate this opportunity and look forward to answering any questions you may have.

Sincerely,

Tim Neugebauer
26702 405th Ave
Ethan, SD 57334
Cell: (605) 999-0655

Exhibit B



DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Tim Neugebauer

Application date: 2-9-18

Applicant Address: 26702 405th Ave, Ethan, SD 57334

Application deadline: 2-16-18

Applicant Email: _____

Contact Phone: 605-999-0655

Owner Name: Same

Owner Address: Same

Owner Contact Phone: _____

Parcel Number of parcel: 11000-10161-362-00

Legal Description of parcel: NW 1/4 of Section 36, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Reason for Variance: Recommend granting a variance for front yard setback +/- 150 feet for a CAFO resulting in a front yard setback of +/- 150 feet from the right of way for a CAFO where the required is 300' in the Ag District.

This request is pursuant to Section 309(3f) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended, which can be found at <http://www.davisoncounty.org/wp-content/uploads/2014/03/Davison-County-Zoning-Ordinance.pdf>.

Reason for Request to include hardships: 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.

Section of Code Allowing Variance: 309(3f), 1106 B, and 1206 B

Fee Collected for Variance (\$100): 2-9-18

Check #: 13257

Receipt #: 375

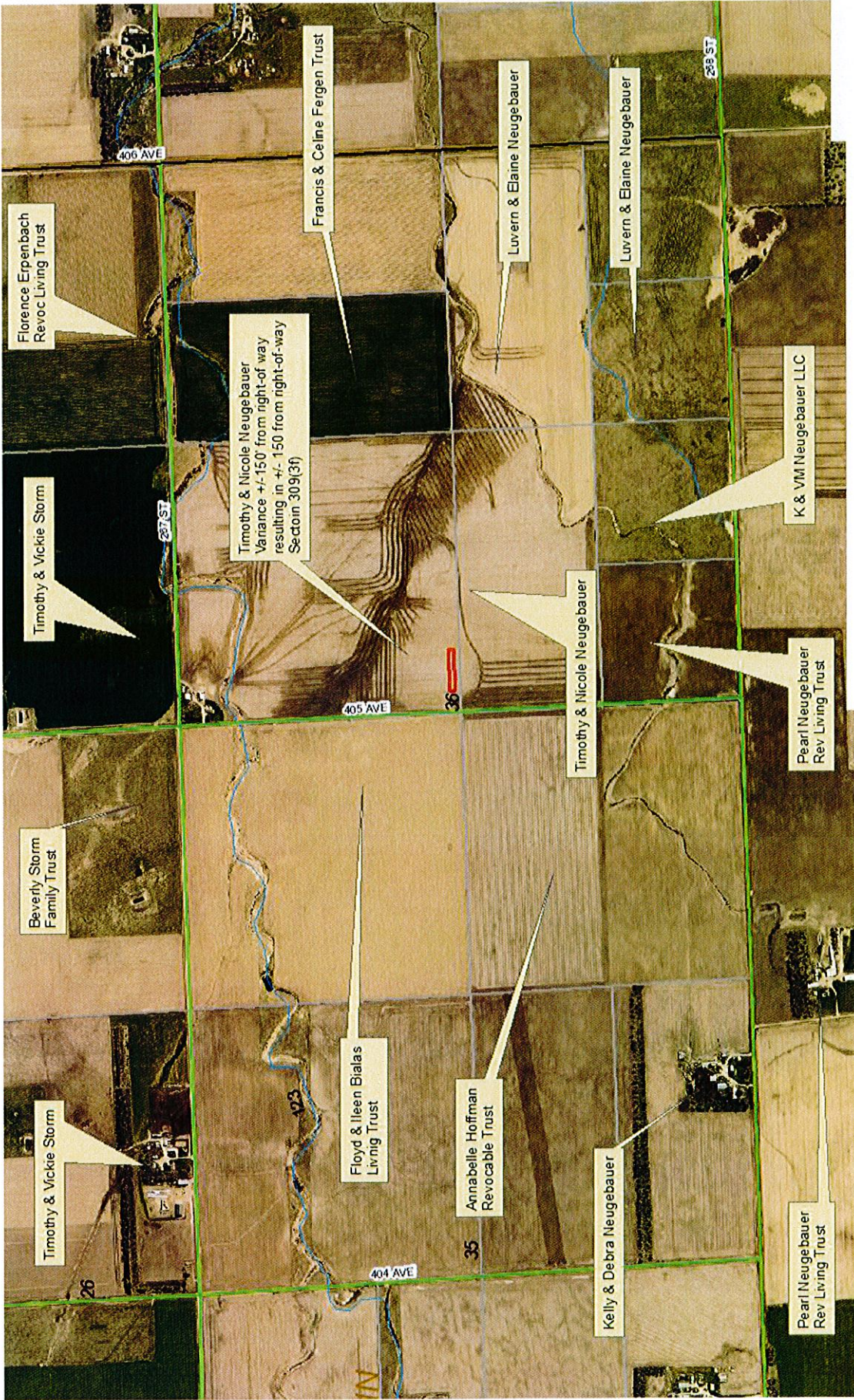
Planning Commission Hearing Date: 3-6-18

Board of Adjustment Hearing Date: 3-13-18

Required Items:

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Agricultural, Residential.
- Application Fee

Signatures of Applicant: _____ **Date:** _____



DAVISON COUNTY CONDITIONAL USE APPLICATION

Applicant Name: Tim Neugebauer/Chris DeRocher **Application Date:** 2-15-18
Applicant Mailing Address: 26702 405th Ave, Ethan, SD 57334 & 33609 260th St, Le Mars, IA
51031
Applicant Email: _____ **Contact Phone:** 605-999-0655 &
712-540-6236

Owner Name: Tim Neugebauer
Owner Address: _____
Owner Contact Phone: _____

Parcel Number of Parent Parcel: 05000-10261-361-00
Legal Description of proposed parcel: East Half of the Northeast Quarter (E1/2 NE1/4) and Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) all in Section 36, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Zoning District: Agriculture District
Reason for Conditional Use Request: To construct a 960 animal unit concentrated animal feeding operation in the AG District.
Section of Code Allowing Conditional Use: Section 304 (10), 309, 1106 (A), and 1206 (A)

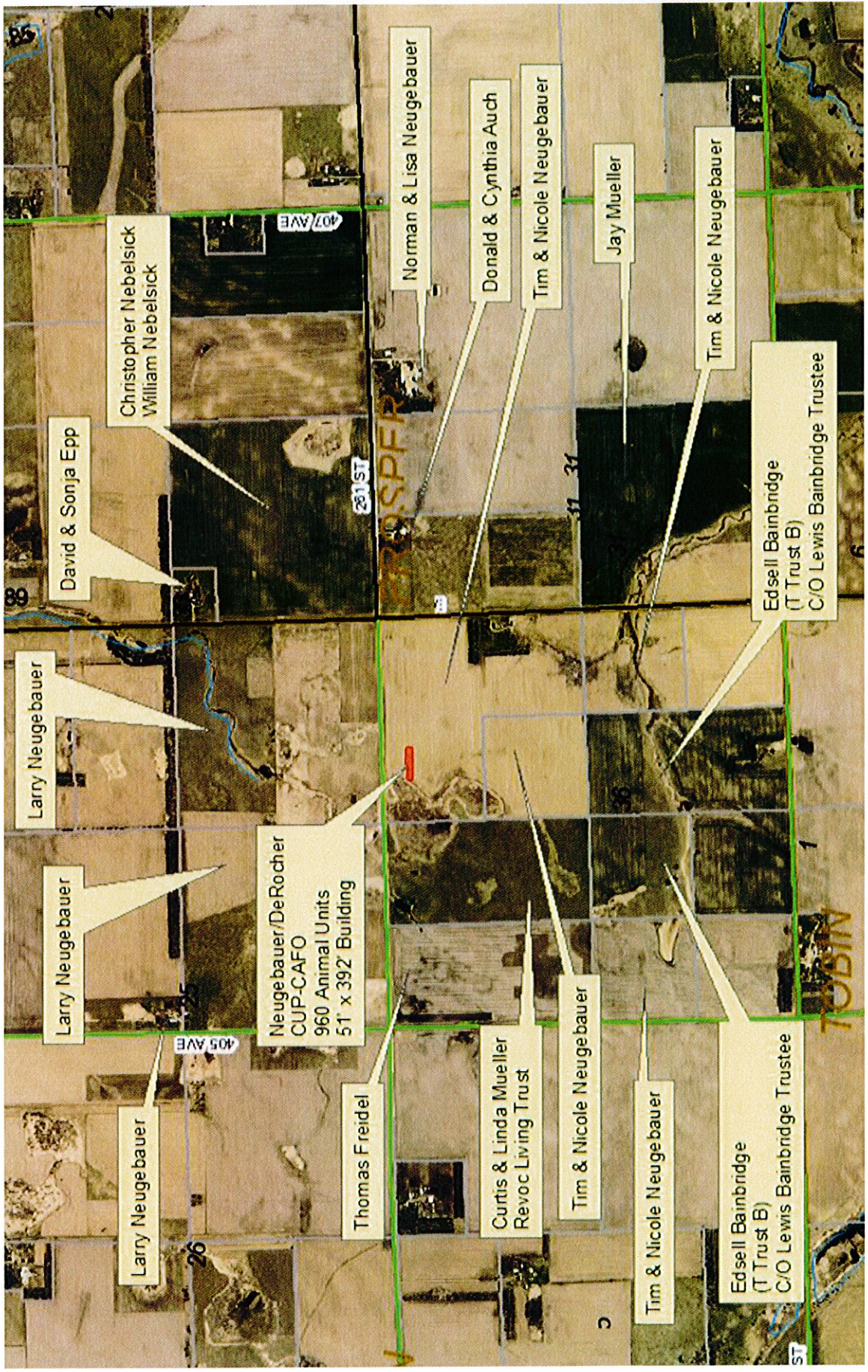
Fee Collected for Condition Use (\$100): _____
Check #: _____
Receipt #: _____

Planning Commission Hearing Date: 3-6-18
Board of Adjustment Hearing Date: 3-13-18

FOR ANIMAL FEEDING OPERATIONS ONLY:
Current Animal Units in Operation: none
Proposed Expansion of Operation: 960

- Required Items:**
- Detailed site plan (GIS Photo of the property)
 - Location and use of adjacent structures
 - Application Fee

Signatures of Applicant: _____ **Date:** _____



Larry Neugebauer

Larry Neugebauer

Larry Neugebauer

David & Sonja Epp

Christopher Nebelsick
William Nebelsick

Neugebauer/DeRocher
CUP-CAFO
960 Animal Units
51' x 392' Building

Thomas Freidel

Curtis & Linda Mueller
Revoc Living Trust

Tim & Nicole Neugebauer

Tim & Nicole Neugebauer

Edsell Bainbridge
(T Trust B)
C/O Lewis Bainbridge Trustee

Norman & Lisa Neugebauer

Donald & Cynthia Auch

Tim & Nicole Neugebauer

Jay Mueller

Tim & Nicole Neugebauer

Edsell Bainbridge
(T Trust B)
C/O Lewis Bainbridge Trustee

February 15, 2018

Davison County Planning Commission
C/O Davison County Planning & Zoning Director
200 East 4th Avenue
Mitchell, SD 57301

Dear Members,

This letter and the information contained herein will serve as Tim Neugebauer's and Chris DeRocher's submittal to comply with Section 3:09. Concentrated Animal Feeding Operation Standards (500 to 999 Animal Units) of the Davison County Zoning Ordinance in support of their application for a conditional use permit for a 2,400-swine finishing unit (960 AU) to be located in the NW1/4 of the NE1/4 of Section 36, Lisbon Township, T102N, R61W in Davison County, South Dakota.

What follows is in direct response to Section 3:09.

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources and the Planning & Zoning Office.
 - a. An official 3rd party Nutrient Management Plan (NMP) will be completed and submitted to both the Planning & Zoning Office for approval prior to construction and the SDDENR for verification of compliance. A Notice of Completion for a Certificate of Compliance will be obtained after construction as required by the Zoning Ordinance.
2. Prior to construction, such facilities shall obtain a storm water permit for construction activities from the South Dakota Department of Environment and Natural Resources. The storm water pollution prevention plan required by the permit must be developed and implemented upon the start of construction.
 - a. A storm water permit for construction will be obtained from SDDENR prior to construction as required.
3. Animal Feeding Operation confinement and waste facilities shall comply with the following facility setback requirements:
 - a. As illustrated in the attached site plan (Exhibit A), the proposed facility is able to meet or exceed all setbacks as required in the Davison County Zoning Ordinance for a CAFO consisting of 500 – 999 animal units.
 - i. We are requesting a variance in the required Right-Of-Way setback to instead be a minimum of 150' from 261st Street to limit how many otherwise uneffected acres will need to be re-platted for the sole purpose of this project.
4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification.
 - a. An official 3rd party Nutrient Management Plan (NMP) will be completed and submitted to both the Planning & Zoning Office for approval prior to construction and the SDDENR for verification of compliance. A Notice of Completion for a Certificate of Compliance will be obtained after construction as required by the Zoning Ordinance.
5. Animal feeding operation confinement and waste facilities shall be located no closer than one (1) mile from any incorporated municipality.

- a. As illustrated in the site plan, the proposed facility is not within one (1) mile from any incorporated municipality.
6. Animal feeding operation confinement and waste facilities shall be located no closer than one-quarter ($\frac{1}{4}$) mile from any church, commercially zoned area, or residential dwelling. One or more dwelling units are allowed on the facility site. Residential dwellings associated with the animal feeding operation do not have to meet setback requirements.
 - a. As illustrated in the site plan, the proposed facility is not closer than one-quarter ($\frac{1}{4}$) mile from any church, commercially zoned area, or residential dwelling. There will be no residential dwellings located on the site at this time.
7. The owner and/or operator of a proposed animal feeding operation or the owner and/or developer of proposed residential property may request a variance decreasing the separation distances required by this Article. Prior to approval of a variance in the agriculture district the owner(s) of all property within $\frac{1}{2}$ mile of the proposed animal feeding operation will be informed of the application by mail at least 10 days prior to any hearings.
 - a. As illustrated in the site plan, there are no residential properties within the required setback and therefore no variances required.
8. Animal waste shall be transported in leak proof containers and all hauling equipment shall comply with Davison County load limits.
 - a. Manure from the facility will be transported via either dragline hose or in leak proof tankers and incorporated in to the soil of the lands in the NMP by injection. Davison County load limits will be followed.
9. Animal waste generated outside of and transported to Davison County for the purpose of land application shall comply with manure application setbacks as prescribed in this section.
 - a. There will be no manure generated outside of and transported in to Davison County.
10. Animal feeding operations shall prepare a facility management plan to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis.
 - a. Mortality management shall be done in compliance with one of the methods allowed by the South Dakota Animal Industry Board. Current plans are to place a rendering service on contract to promptly dispose of mortalities. Mortalities will be screened by a 3-sided, minimum of 4' high enclosure as illustrated in the site plan.
 - b. The liquid manure is stored in a concrete pit below the facility which protects exposure to weather elements and will be applied by injection directly in to the soils, both of which greatly reduces the potential for odor. Our intent will be to apply the manure annually in the fall after harvest, when the temperatures are cooler and air less humid which further aids in odor reduction. We will also make every effort to avoid applying on windy days or ahead of anticipated saturating rains even though manure is being injected which makes any kind of runoff very unlikely even in significant rain events.
 - c. The site will be graded to direct storm-water drainage away from the facility so to avoid any standing water near the facility.
 - d. Additional fly and rodent mitigation practices to be implemented at the facility will include such things as the prompt removal of any spilled feed, repair of any leaking waterers, proper gravel barriers and mowing to discourage rodent encroachment, and commercial insecticides and rodent baits will be used in an appropriate manner.
11. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is incorporated or injected:

- a. All manure application setbacks will be followed in accordance to the Zoning Ordinance and incorporated by injection in to the soil.
12. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is irrigated or surface applied:
- a. It is our intent that manure from the facility will only be applied and incorporated by injection. In the rare instance when manure may need to be irrigated or surface applied all application setbacks will be followed in accordance to the Zoning Ordinance.

Additional Information

As illustrated in the attached odor model (Exhibit B), we are proposing to position the facility in such a way to avoid potential odor impacts on neighbors as much as possible. With even our closest neighbors being beyond the 98% nuisance level, we are not planning to plant a shelterbelt at this time which would have the potential of unnecessarily restricting the fresh air flow through our naturally ventilated barn. Below is additional information written by Dr. Erin Cortus pertaining to the South Dakota Odor Footprint Tool provided by SDSU:

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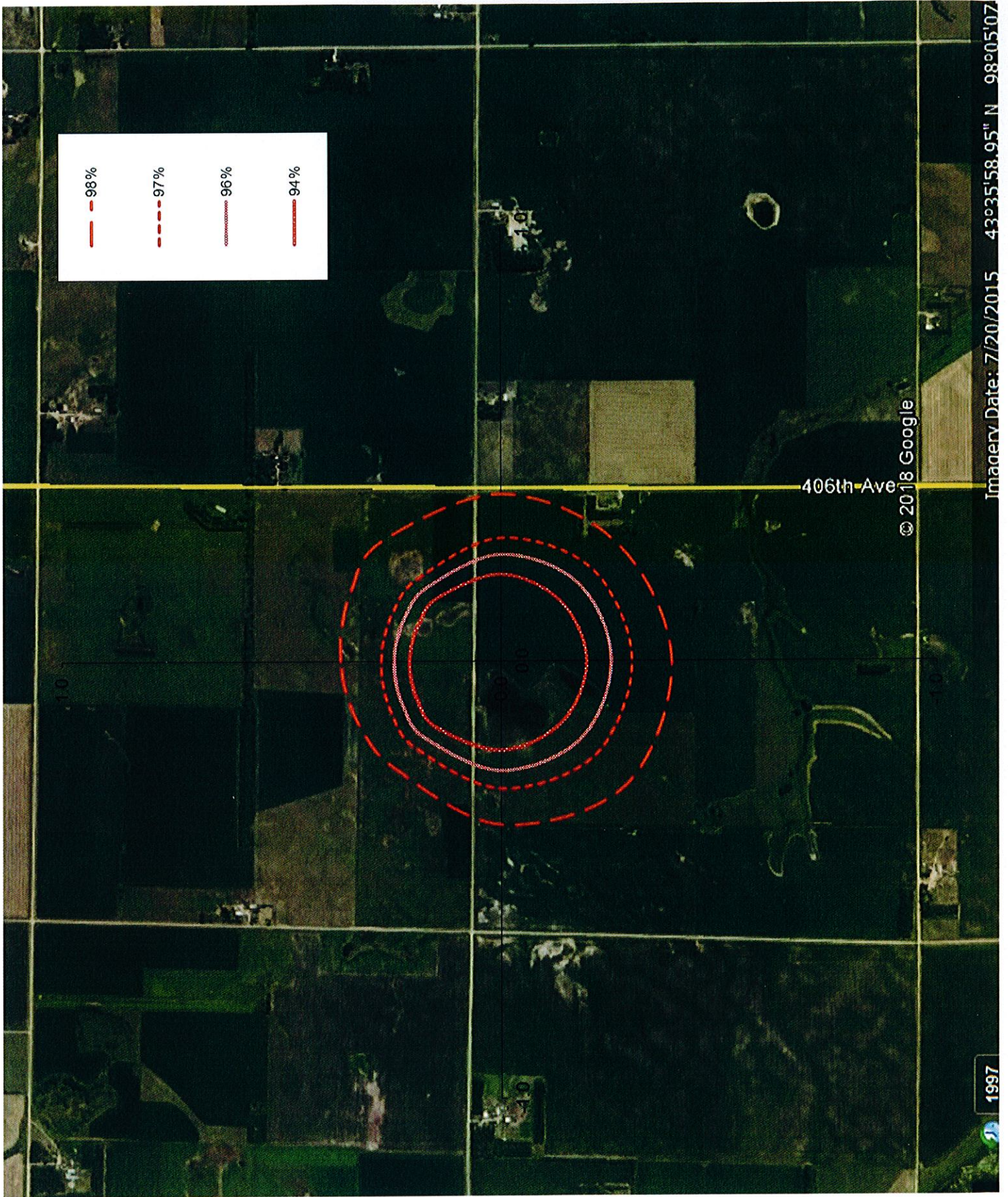
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Board of Adjustment Hearing Date: 3-13-18

Required Items:

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- Application Fee

Signatures of Applicant: _____ **Date:** _____

