

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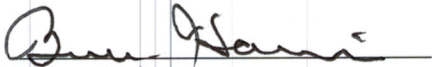


PLANNING COMMISSION MINUTES  
January 2, 2018

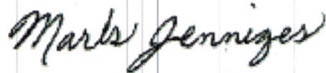
1. Deputy Administrator Jenniges called the meeting to order at 1:15 P.M.
2. Roll Call
  - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Brenda Bode, Charles Storm, Lewis Bainbridge, Mark Jenniges.
  - Absent: Kim Weitala, Jeff Bathke,
  - Guests: Chris DeRocher, Grant & Andrea Johnson, Jerry Constant, Arden Lemke
3. Election of 2018 Planning Commission Officers.
  - Deputy Administrator Jenniges called for nominations of Chair. Brenda Bode nominated Bruce Haines, Lewis Bainbridge seconded the nomination. Steve Thiesse called to cease nominations and cast a unanimous vote, seconded by Gary Stadlman. Hearing no other nominations, Bruce Haines was unanimously voted as Chairman.
  - Chairman Bruce Haines called for nominations of Vice Chairman. Brenda Bode nominated Gary Stadlman, Steve Thiesse seconded the nomination. Lewis Bainbridge called to cease nominations and cast a unanimous vote, seconded by Steve Thiesse. Hearing no further nominations, Gary Stadlman was unanimously voted as Vice Chair.
4. Consider the agenda.
  - Motion by Charles Storm, seconded by Gary Stadlman, to approve the agenda. All members voted aye, motion carried.
5. Consider the November 7, 2017 Minutes.
  - Motion by Steve Thiesse, seconded by Brenda Bode, to approve the November 7, 2017 minutes. All members voted aye, motion carried.
6. 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 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Chris DeRocher.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. Chris explained this will be for a 2400 head hog finishing barn (960 animal units). Deputy Jenniges suggested tabling as new information came to light at the meeting and a CUP would be needed.
  - Motion by Steve Thiesse, seconded by Gary Stadlman, to recommend table of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – aye, Bode – aye, Weitala – absent, motion carried.
7. That Grant Johnson has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for manufacturing in the Rural Commercial District.

- This request is in pursuant to Section 904 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 1 of Lemke Addition, a Subdivision of the West 372' of the SW 1/4, Except Lot H-1; and the West 372' of Lot W, all in the SW 1/4 of Section 27, T 103 North, Range 61 West of the 5th P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. Jerry Constant stopped in the office to get an understanding of what was going on. The department informed Jerry that Grant is looking to purchase the building to manufacture metal signs in it. There would no longer be a renter living in the facility if it happens.
- The applicant was present to answer questions. Discussion included that Grant is purchasing the land from Lemke's contingent on approval of the CUP. He will manufacture metal signs. Retail sale of the signs is an approved permitted use. He plans to remodel the inside of the existing building and take out the residence located with in it.
- Grant explained that they will remodel the interior of the building to fit their needs. There will no longer be a renter in the facility. He has 2 laser cutters and a powder coat. He currently contracts out his cutting to Quality Woods. He will install a filtration system mainly for his safety. His busy season is the 4th quarter of the year. Most of his sales are done online but he might open a showroom one Saturday a month. He gets 2 trucks every two weeks. Materials won't be stored outside, everything will be inside, and he will keep up the yard. Might put a sign out front in the future.
- Jerry Constant was concerned over who would watch over the ventilation and how the renter would be affected. He was informed there would be no more renter as that CUP Lemke's acquired would be voided if Grant bought the facility. Ventilation for the facility is more for Grants safety and will be polluting the area outside the facility.
- Bainbridge feels this would be a good use of the building and great for a young resident to continue and grow his business.
- Bode has known Grant for many years and feels his will be a good business owner and neighbor. Understand Jerry's concerns but wanted to restate that Grant's busy time will be in Jerry's slow time, the 4th quarter of the year.
- Stadlman wanted to make sure there would be no renter to which Grant assured there would be done, just long hours at the facility. Kids might be taking naps there while parents work. In the future employee could be hired but not at this time.
- Storm was curious what Grant manufactured to which Grant explained it's mostly bible verses and home décor.
- Thiesse agreed this is a good fit for the building and land.
- After consideration of the 1106-A Conditional Uses, a motion by Brenda Bode, seconded by Lewis Bainbridge, 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 – aye, Bode – aye, Weitala – absent, motion carried.

8. Additional Comments from the Group.
9. Set date and time or next meeting – February 6, 2018 @ 1:15 P.M.
10. Adjournment @ 2:02 P.M.

A handwritten signature in cursive script, appearing to read "Bruce Haines", written over a horizontal line.

Bruce Haines  
Planning Commission Chairman

A handwritten signature in cursive script, appearing to read "Mark Jenniges", written over a horizontal line.

Mark Jenniges  
Deputy Director of Planning & Zoning

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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, Sarh Orr, Tim Neugebauer, Austin Luebke, Mary Stadlman.
3. Consider the amended agenda.
  - Motion by Gary Stadlman, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
4. Consider the January 2, 2018 Minutes.
  - Motion by Charles Storm, seconded by Steve Thiesse, to approve the January 2, 2018 minutes. All members voted aye, motion carried.
5. That Derek Mueller has appealed to the Davison County Planning Commission to recommend granting a variance for side yard setback +/- 40 feet, resulting in a setback of +/- 10 feet from the property line, where the side yard setback is 50 feet in the Agricultural District.
  - This request is pursuant to Section 408 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot A of FM Tilbergs 1st Addition in the NE 1/4 of Section 8, T 101 N, R 60 W of the 5<sup>th</sup> 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-Variations, 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Administrator Bathke explained the application, required notifications, and the GIS view. The sanitation business has been in operation at this location for several years. Frito Lay also operates at this location. Petrik Sanitation was recently awarded a contract to dispose of white goods from the landfill. A citizen called to ask if the property is zoned appropriately and has the proper permits to operate this type of business. Upon searching, no Conditional Use Permit was

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


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

10. Additional Comments from the Group. None

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

12. Adjournment @ 3:23 P.M.

  
Bruce Haines  
Planning Commission Chairman

  
Mark Jenniges  
Deputy Director of Planning & Zoning

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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 5<sup>th</sup> 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-Variances, 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 5<sup>th</sup> 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-Variances, 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 5<sup>th</sup> 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.

Roll call vote:

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

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

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 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 Weitalla, 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, Weitalla – 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 of next meeting – April 3, 2018 @ 7:00 P.M.

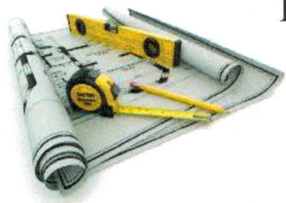
14. Adjournment @ 2:52 P.M.



Bruce Haines  
Planning Commission Chairman



Mark Jenniges  
Deputy Director of Planning & Zoning



Davison County Planning & Zoning and Emergency Management  
200 E. 4<sup>th</sup> Ave.  
Mitchell, SD 57301-2631  
Phone (605) 995-8615  
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PLANNING COMMISSION MINUTES  
April 3, 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
  - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Charles Storm, Brenda Bode, Kim Weitala, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
  - Absent:
  - Guests: Aaron Gates, Daniel Qualls, Steven Wegman, Corey Juhl, Peg Greenway, Mitch Richter, Golden And, Brian Roberts, Riley McFadden, Tyler Baker, Lane Meeks, Tyler Scott, Mike & Mavis Anderson, Terrence & Jennifer Raymond, Mary Stadlman, Karla Hofhenke, Doug Greenway, Dave Gukeisen, Marcus Trouder, Amy Storm, Ryan Storm, Bobbe Schweg, Jerry Scott, John Jones, Jerry Wadleigh, Darlene Wadleigh, Orville Stevenson, Don McLean, Dan Stolp, David Lambert, David Shelton, Cody Zepheir, Jonathon Wolenetz, Cameron Sides, Nate Lahue
3. Consider the amended agenda.
  - Motion by Brenda Bode, seconded by Charles Storm, to approve the amended agenda. All members voted aye, motion carried.
4. Consider the March 6, 2018 Minutes.
  - Motion by Gary Stadlman, seconded by Steve Thiesse, to approve the March 6, 2018 minutes. All members voted aye, motion carried.
5. That Todd Thompson has appealed to the Davison County Planning Commission to recommend granting a variance for:
  - A. Lot size of +/- 17.439 acres to create a lot size of +/- 7.561 acres, where the minimum lot size is 25 acres in the Ag District.
  - B. Side yard setback on the east side of +/- 10' to create a side yard setback of 40' from the existing shed, where the minimum setback is 50' in the Ag District.
  - C. Side yard setback on the east side of +/- 20' creating a setback of +/- 30' from the existing sheds on the parent parcel, where the minimum setback is 50' in the Ag District.
    - This request is pursuant to Section 307 (3) and 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 a Plat of Lot A-1, A Subdivision of Lot A of Maeschen's Addition, in the NW 1/4 of Section 33, T 101N, R 61 W of the 5<sup>th</sup> 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 the reason for Todd doing this is so that he can get a longer term and fixed mortgage instead of a variable 5 year.

- After consideration of 1106 B-Variances, 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 – aye, Weitala – aye, motion carried.
6. Considered a Plat of Lot A-1, A Subdivision of Lot A of Maeschen's Addition, in the NW 1/4 of Section 33, T 101N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Todd Thompson.
    - Deputy Administrator Jenniges explained the plat.
    - The applicant was present to answer questions. This plat goes with item number 5 on the agenda.
    - Motion by Brenda Bode, seconded by Gary Stadlman, to recommend approval of the Plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
  7. Considered a Plat of Lots 1, 2, 3 and 4, Block 1 of Powderhorn Subdivision and Longhorn Court in the SW ¼ of Section 24, T 103N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Lonnie Bollock.
    - Deputy Administrator Jenniges explained the plat.
    - The applicant was present to answer questions. This plat is in regards to the variance that was approved last month for lot sizes of a development. This falls within 3 miles of the city limits so the city will hear it at their next meeting.
    - Motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
  8. That Terrence & Jennifer Raymond have appealed to the Davison County Planning Commission to recommend granting a variance in lot size of +/- 21.93 acres to create a lot size of +/- 3.07 acres, where the minimum lot size requirement is 25 acres in the Agricultural Residential District.
    - This request is pursuant to Section 407 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. Upon platting, the property will be legally described as Survey Plat of Schmig Tract 1 in the South Half of the South Half of the Southeast Quarter of Section 11, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
    - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There was a phone call from a neighbor just wondering what was going on, after explanation they had no issues with it.
    - The applicant was present to answer questions. Discussion included their family has moved back to the area from Virginia. They have already built the house and now their bank and insurance are requiring them to own the property they are living on. Will also give them more opportunity to do more with the land they will own themselves. When the time comes they hope to purchase or inherit the parent parcel from which their lot is coming out of.

- After consideration of 1106-B Variance, motion by Steve Thiesse, 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 – aye, Weitala – aye, motion carried.
9. Considered a Plat of Survey Plat of Schmig Tract 1 in the South Half of the South Half of the Southeast Quarter of Section 11, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Terrence & Jennifer Raymond.
- Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. This is the plat for the variance discussed with item number 8 on the agenda.
  - Motion by Brenda Bode, seconded by Charles Storm, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
10. That David Gukeisen has appealed to the Davison County Planning Commission to recommend granting a variance in lot size of +/- 22 acres to create a lot size of +/- 3 acres, where the minimum lot size requirement is 25 acres in the Agricultural District.
- This request is pursuant to Section 307(4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The parent parcel is legally described as NE 1/4 of Section 33, T 102N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There was no response from those notified
  - The applicant was present to answer questions. Discussion included that there is no issue with drainage or flood plain on the acreage selected. Steve Hoffman will continue to farm the ground around the acreage.
  - Commissioners Stadlman and Storm would like to see 25 acres, but David is sticking with the 3 acres and hopes to one day own the rest of the parcel.
  - After consideration of 1106-B Variance, motion by Kim Weitala, seconded by Lewis Bainbridge, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:  
Haines – aye, Stadlman – nay, Thiesse – aye, Storm – nay,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
11. Considered a Plat of Tract 1 of Gukeisen's First Addition, an Addition in the NE 1/4 of Section 33, T 102N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of David Gukeisen.
- Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. This is the plat for the variance discussed with item number 10 on the agenda.
  - Motion by Brenda Bode, seconded by Kim Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – nay, Thiesse – aye, Storm – nay,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
12. Discussion of the document provided by “Citizens for Responsible Development” at last month’s meeting.

- Holly Hansen read a letter she submitted about needing a 1-mile setback for WES. She also submitted a packet to the board.
  - Lance Koth stated he wasn't going to talk about everything that has been said before but believes having a decommissioning clause is the most important part of a WES. The cost is more than most expect and who is responsible if a company keeps selling and selling and selling. There needs to be a cash bond.
13. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 1) in the Ag District.
- This request is in pursuant to Section 304 (42) 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 Ex Tract A of Greenway Addition of Section 6, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our office received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.
  - Deputy Jenniges gave an overview of the project stating there are 9 turbines that as a whole will be discussed with turbine 1 application. Jenniges went over the site layout provided by CED Davison County Wind, LLC showing that there were not any none participating residences within a half mile. An acoustic and shadow flicker was also provided and shown. Distances to residences within one mile of the closest tower was shown.
  - Administrator Bathke gave an overview of the tax formula provided by South Dakota Department of Revenue and explained the taxes that the schools, county and township receive.
  - Chairman Haines went over some house keeping rules for the rest of the meeting.
  - The applicant was present to answer questions. Discussion included the following.
  - Corey Juhl spoke on behalf of CED Davison County Wind, LLC. Gave a history from when they put the MET tower up and gathered data, applying over 2 years ago with 11 towers and now applying with 9 towers. Expressed that Davison County still does not have any conditions in their zoning ordinance but changed the layout to a further distance than previous application to almost 3,000' from none participating residences. He feels this is exceeding the industry standards.
  - Commissioner Bainbridge asked where John O'Connell runway was located to which was answered 3 miles east and 10 miles north. Juhl added that Mitchell Airport is the closest to the WES and they have filed the plan with the FAA and it has passed.
  - Commissioner Bode asked what has changed since the last application, why is it no longer Juhl Energy? Juhl answer that Juhl Energy was in business for 20 years

and was not looking to sell but ConEdison was looking to move into the midwest and after first declining their offer they finally sold to ConEdison.

- Commissioner Stadlman wanted to know the height from the ground to the tip of the blades at their highest point to which Juhl replied 453'.
- Commissioner Storm wanted to know why the blades had increased from 103 meters to 116 meters. Juhl answer that with the bigger blades they are able to catch more wind and therefore use two less turbines than previously needed.
- Commissioner Haines gave a brief history of the Titan Project as well as other projects around the state and where their electricity is being sold to.
- Commissioner Haines than opened up the floor to public input.
- Steve Wagman spoke in favor of the WES application. He gave more history and timelines of WES in South Dakota. There is only one solar energy farm in South Dakota located in Pierre by the airport.
- Jerry Wadleigh believes he lives the closest to the project and will change the good view in South Dakota. WES won't do South Dakota any good, only making power for other states. Does not want to see WES when he is on his steps, believes the setback of 1,000' is not enough, it should be 3 miles.
- Ken Stach wants to make sure the numbers given to the board are correct and did not agree with the spreadsheet shown that was looked over by the South Dakota Department of Revenue. Said 70% of WES are owned by foreign companies. There was a plane crash near Highmore that killed four people when it struck a turbine tower.
- Jeff Hurt is a new owner in the area, just purchased Jack Anderson's house. He read a letter to the commission and it was submitted after. His brother worked on turbines for 7 years and said he would not want one near him. An article published in 2015 by Forbes Magazine stated 25-40% loss of property value within two years. Minnesota pays none participating residences.
- Frank Luzack lives in Perry Twp and was glad when Sanborn County rejected them. He has friends that live near them and they don't like them. The board approved POET and this will be the same issue with always being able to hear them.
- Mark Benard lives in Mitchell and works for USDA. Believes the PUC track record is not good for grain elevators from what he has seen. CED Davison County Wind, LLC financial statement needs to be looked at. He is not against WES, just not in this location. Questions the roads and what will happen to those or who will pay for them?
- Riley McFadden is attending MTI on the Build Dakota Scholarship. He is originally from Yankton but would love to stay in Mitchell to work here and raise a family some day. He lived in NW Iowa when he was growing up and had turbines about 1 1/2 blocks away and they didn't bother him. He never noticed any dead birds from them and there was plenty of wildlife around the area.
- Aaron Gates is a second year student at MTI majoring in WES and an original Pierre resident. The FBI has released information stating power grids are being hacked and there is more security now but WES are more secure than other power plants.

- Johnny Jones lives in Mt. Vernon and people are using more and more electricity all the time, wind is free. He would like to see Davison County as a leader in WES.
- Don Young lives in Mitchell and believes energy can be produced cheaper than with wind and wind cost more to buy. No one uses windmills anymore to pump water because they are not cost effective to maintain and this is the same thing.
- Ralph Kiner lives about 4 1/2 miles as the crow flies from the proposed location. He is a realtor and believes the whole NW portion of Mitchell will lose valuation in properties. There is light pollution from them. He was curious how they are taxed.
- Mitch Driver is a member of South Dakota Farmers Union and they support WES. With droughts and prices the way they are, farmers need to expand and find more ways to make money and these are a way to do that. He is also part of South Dakota United School Associate and helped write SB131. This bill will phase out how the current taxes are provided to the schools and put the taxes into one pot of revenue for the schools to use. WES will bring jobs to the area. HB 1234-Bond for Decommission-failed because it's already in the contracts that are provided with the land owner.
- Gene Stehly has been part of a group that has done a lot of research over the past three years on WES. Believes that by having to be close to large transmission lines it forces WES into populated areas. 90% of the neighbors within 1 mile of the application are against. It will have a negative affect on property values and quality of health. None participating residences are forced to fight and WES deny them of their property rights. Stated the Planning and Zoning website says to conserve ag land and this is in direct opposition of that.
- Jack Anderson can't support this.
- Glen Lowry of Beulah Twp wants to know how many employees this this bring to the area. There was a lightning strike to a tower up by Aberdeen and they are cleaning up pieces in the field from it still.
- Nate Lehue moved here from Kentucky. He was stationed at a base where there would be helicopters or planes flying by all the time and you just get used to it and don't even realize it's happening anymore. He likes hearing the swoosh sound from the wind and the blades. He understands people don't like them everywhere and he will move his family where ever is needed to work on WES.
- Commissioner Haines closed the portion of public input and thank everyone.
- Commissioner Bode wondered if ConEdison plans to sell this once it's built? Juhl replied that they are no plans to sell, they are a company that develops long term assets. Bode questioned if they had a decommissioning plan to which Juhl responded with they put theirs in the landowners contract, but would be willing to have a 10 year decommissioning fund.
- Commissioner Bainbridge asked what is full production this facility. Juhl answered that in the past getting 30% production was good, they are looking to get 50% production from these.
- Commissioner Wietala asked why the blades are bigger this time? Juhl said technology has changed and they can do more now with having bigger blades and

less turbines. In the future for other projects blades could be even bigger but this will be as big as they get here.

- Commissioner Stadlman wanted to know the life expectancy of the turbines. Juhl answered that the concrete and steel is about 20 years. The generator or turbine is usually replaced between 7-10 years and comes with a warranty of usually 5-10 years. Stadlman wanted to know if CED Davison County Wind LLC took out grants and the PUC would they still be profitable and make it. Juhl said they do their research and run it by their financial experts and it works.
- Commissioner Storm asked what they do after 20 years? Juhl replied that there are three options; refurbish the existing, put up new, or tear down all together. The project by Pipestone, MN has 44 meter blades right now (built in 1998) and they are taking the towers down to put bigger blades on and will require less towers now to produce the same. Administrator Bathke confirmed that if that were the case here in 20 years that it would be a new application since the footprint and size would be different.
- Commissioner Thiesse asked about the timeline of building and how many people it would take during the phases. Juhl responded that they would like to start late fall. The first phase would have 30 to 50 people digging and installing concrete and burying lines. The second phase would be 15-30 people actually setting the towers and the third phase would be 10-15 people fine tuning the WES. The whole process would take between 4 to 7 months.
- Commissioner Haines asked about the possibility of pooling payments much like oil drilling. Juhl responded that they have what's called a "wind buffering agreement" at other projects. There is no set formula for how much neighbors would get. Haines questioned what they would do with the roads they affect to which Juhl said they will fix them. They will enter a road agreement with whoever is needed. The roads only get a lot of traffic at the beginning of the project or at decommissioning. During the life of the WES it's mostly just routine maintenance trucks.
- Commissioner Bode stated that at first appearance it looked like the reason they selected this area was because of the transmission line and was curious if that was correct and what that line could handle? Juhl responded stating they did pick the area because of the line and also from the data they collected from having the tower up before. The line is a 20-22 Mw line. That would put the line at capacity so they couldn't add more turbines in the future.
- Corey Juhl stated they are following best practices for industry standards done by a 3rd party. They did studies for the area at the worst possible standards and those don't include variables such as landscape and trees in the area. Most ordinances have a 1,000'-1,500' and they are over a half mile from any neighboring residences. The last application they did in Davison County was the first time they had been denied. They are doing a project in Brule and Aurora counties that are the same size as this proposed project.
- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.  
Roll call vote:

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

14. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 2) in the Ag District.

- This request is in pursuant to Section 304 (42) 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 Ex Tract A of Greenway Addition of Section 6, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.
- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Lewis Bainbridge, seconded by Charles Storm, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

15. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 3) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NE 1/4 of Section 7, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.
- The applicant was present to answer questions. Discussion included same as turbine 1.

- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

16. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 4) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NE of Section 7, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.
- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

17. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 5) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NW 1/4 Ex N813' of W806' of Section 8, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.

- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

18. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 6) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the N 1/2 of the NE 1/4 of Section 8, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.
- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Lewis Bainbridge, seconded by Charles Storm, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

19. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 7) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the N 1/2 of the NE 1/4 of Section 8, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received

letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.

- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

20. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 8) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NW 1/4 of Section 9, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website, from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.
- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

21. That CED Davison County Wind, LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for construction and installation of a wind energy system, commercial (total structure height of 453' in AGL) and associated facilities (turbine 9) in the Ag District.

- This request is in pursuant to Section 304 (42) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SE 1/4 of Section 7, T 103N, R 61 W of the 5<sup>th</sup> 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 the layout and setbacks required. People were directed to the website for GIS of the area. Our off received emails and letters, which have all been posted onto the website,

from the following people in opposition: Darlene Wadleigh, Doug Hansen, Holly Hansen, Harvey Kelley, Jerry Scott, and John O'Connell. We have received letters or emails for the the project from: Doug Greenway, Brad Greenway, Mandi Bietz, and Brent Greenway.

- The applicant was present to answer questions. Discussion included same as turbine 1.
- After consideration of the 1106 A-Conditional Uses, a motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

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

22. Additional Comments from the Group.

23. Set date and time or next meeting – May 1, 2018 @ 7:00 P.M.

24. Adjournment @ 9:40 P.M.



Bruce Haines  
Planning Commission Chairman



Mark Jenniges  
Deputy Director of Planning & Zoning

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



PLANNING COMMISSION MINUTES  
May 1, 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
  - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Charles Storm, Brenda Bode, Kim Weitala, Lewis Bainbridge, Jeff Bathke, Mark Jenniges.
  - Absent:
  - Guests: Allen Jenks, Josh Russell, Larry L. Allen, Elder Herman, Rodney Mathers, John & Lois Muilenburg, Laura Gillam, Marilyn Odland, Ly Odland, Jerry Wadleigh, Gary Neugebauer, Jeff Miiller, Randy Miiller, Bruce Gillan, Mark Klumb, Larry Neugebauer, Micah Klumb, Josh Klumb, Curt Mueller, Paul Reiland, Delmer Mueller, Mary Stadlemand, Jen Froning
3. Consider the amended agenda.
  - Motion by Brenda Bode, seconded by Gary Stadlman, to approve the agenda. All members voted aye, motion carried.
4. Consider the April 3, 2018 Minutes.
  - Motion by Steve Thiesse, seconded by Charles Storm, to approve the April 3, 2018 amended minutes. All members voted aye, motion carried.
5. That Alicia Odland has appealed to the Davison County Planning Commission to recommend granting a variance in lot size of +/- 23.88 acres to create a lot size of +/- 1.12 acres, where the minimum lot size requirement is 25 acres in the Agricultural Residential District.
  - This request is pursuant to Section 407 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is be legally described as East 860 Feet of the South 646 Feet of South 996 feet of the Southeast Quarter of Section 18, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There was a phone call from a neighbor just wondering what was going on, after explanation they had no issues with it.
  - The applicant was not present to answer questions. Discussion included that there used to be a house on the land and they plan to tear down some of the out buildings. It's been about 4 years since there was a residence on the parcel. Alicia has purchased the MTI shop house to move onto the lot. There is already an approach and 911 sign assigned to this location.
  - After consideration of 1106-B Variance, motion by Kim Weitala, seconded by Steve Thiesse, 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 – aye, Weitala – aye, motion carried.

6. That Jeff Miiller & 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 SW 1/4 of Section 20, T 102N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Have had a few phone calls questioning what was going on out there and after explanation they did not say if they were for or against. Jeanette Lemke called in opposition of the facility, stating she can already smell hog barns that are five miles away and this one will be less than three miles.
  - 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 as barns that have been previously approved. Randy, Jeff's father owns the land.
  - Chris DeRocher explained the layout of the barn. They have met with Highway Superintendent Weinberg from the county on the roads to be used and areas needed for culverts.
  - Commissioner Bode was curious why Jeff, not Randy is entering into the agreement with Chris DeRocher since Randy owns the land.
  - Commissioner Haines opened the floor for citizen input.
  - Dale Smith asked who owned the hogs to which DeRocher replied Sunterra owns the hogs and will do the chores. DeRocher stated Miillers get the manure from the facility, he is responsible for the building and up keep of the surrounding land. Sunterra manages the hogs and it is a 12-year contract with Sunterra. The contract between Miiller and DeRocher states that Miiller can buy the facility at any time.
  - Lois Muilenberg asked why CAFO's smell so bad and what can be done to reduce the odor? She said there is one by her that smells like rotting animals and straw. DeRocher explained how the pit works and that pits need to be started correctly to help minimize the odor from the barns. Additives can be added to the pit to help keep the ammonia smell down.
  - Ryan Youngstrum of Mt. Vernon wanted to know how they were going to keep the roads safe and clear from mud? DeRocher explained that during construction there could be some mud on the roads from the equipment entering and exiting but they try to keep it to a minimum. They build a gravel road to the facility on the land that all trucks stay on and turn around on after construction is over. The timeframe for construction is in July and takes six to eight weeks to build. They also put rock around the building for six to eight feet and plant grass in front of the buildings. He is responsible for the up keep of the facility and takes pride in how his buildings look. Ryan questioned what happens to the dead pigs to which DeRocher responded that he has a rendering service out of Iowa contracted to pick up the dead pigs. They will pick up the pigs twice a week in the winter and three times a week during the summer. Ryan was curious who to contact if

someone has an issue and DeRocher said Sunterra will have someone there daily doing chores and are located in Parkston and can be called.

- Allen Jenks questioned who builds the barns to which DeRocher responded that he has his own crews to build the barns. Having his own crews for the barns keeps the cost down for him. He still uses local businesses during construction; concrete, well digger, rock hauling, electricians. Also, after the barns are built the feed truck is from Parkston Grain, snow removal, mowing service, and the taxes stay in the area as well.
- Commissioner Haines closed the floor for citizen input.
- Commissioner Bode asked to hear from Highway Superintendent Weinberg about the haul routes to be used during construction of the facility to which he responded that he sees no issues with the county roads they are going to use. Bode was curious what happens if his rendering service doesn't work out to which DeRocher replied that he has three or four other rendering services he can contact should something happen with his primary service. He has to pay the rendering service to pick up the dead animals, so having more of them isn't a good thing for the business.
- Commissioner Weitala asked how many barns Chris has built in Davison County? DeRocher answer he will have 5 after they are all built. Weitala questioned how long he has been building barns in South Dakota and has he changed anything from the first barn. DeRocher stated his first barns were only setback 80 feet and that was to close, he has now moved them back to 150 feet and there is enough room with that for trucks to turn around.
- Commissioner Stadlman questioned how far they can run their hose during pumping and DeRocher answered that for dairies they use a 10" hose and can have gone 23 miles, but for hogs it isn't cost effective to do that. They use a 7" line and need a pump about every two miles of hose. After setup is complete it only takes about 7 hours to empty the pit, so they can setup, pump, and teardown within a one day for a barn.
- Commissioner Haines brought up an article he had read from North Carolina that the neighbors sued a CAFO and won because they were able to prove malus on the owner and there were health concerns and poor conduct from the owners. DeRocher stated he is in a business of selling and looks are very important to him, that is why he takes care of his facilities. His barns get audited in Iowa for cleanliness, so he does the same practices at the facilities in South Dakota.
- After consideration of the 1106 A-Conditional Uses, a motion by Lewis Bainbridge, seconded 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 county highway department.

Roll call vote:

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

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

7. That Jeff Miiller 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 SW 1/4 of Section 20, T 102N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Have had a few phone calls questioning what was going on out there and after explanation they did not say if they were for or against.
- 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.
- Chris DeRocher stated that with the first few barns he built there was only an 80' setback and he has since changed it to 150' setback when he can and that there is enough space for trucks to turn around within that setback.
- After consideration of 1106 B-Variations, motion by Gary Stadlman, seconded by Lewis Bainbridge, 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 – aye, Weitala – aye, motion carried.

8. That Jeff Miiller & 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 SE 1/4 of Section 1, T 101N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Have had a few phone calls questioning what was going on out there and after explanation they did not say if they were for or against.
- 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 as barns that have been previously approved. Randy, Jeff's father owns the land. There is a stream to the south of the proposed barn and according to DENR it is not classified as a drinking source, so the ordinance states it can be positioned 500' away, this would push it further north than the 300' normally required. The facility will be located on 263rd St between 399th Ave and 400 Ave which is a Baker Township Road. There is a road agreement signed for that mile stretch however Baker Township asks that a condition be added that no building permit/construction start until after the rehab

of the gravel road be completed. There was discussion about using 400th Ave as the road north and then going west in the field to the facility. This route would make it better for trucks turning back to the west. Highway Superintendent Weinberg was involved in the discussion about the road rehab and culvert placements and has no issue with it.

- Commissioner Bainbridge asked for some clarity on a condition usually put with the CUP. The condition in question was about the decommissioning of a barn for not having hogs in it for 12 months. He stated viruses, or an Act of God could cause that to happen. The Board of Adjustment would have the power to allow the facility to continue if a virus were to happen and the place be shut down for a length of time. The condition is set in place for if they choose not to continue with hogs, then decommissioning would begin. Act of God would not count against the 12-month period.
- Commissioner Bode asked about the road situation and what they are going to do for the driveway. It was discovered during conversation that the portion of 400th Ave being used is a Tobin Township road and an agreement would need to be had with Tobin Township.
- Commissioner Stadlman would like to see the facility at 660' instead of the 500' as required by the ordinance. He knows that stream and, in the spring, or summer it can be full.
- Commissioner Haines asked about the different types of feed that are given to different hogs. DeRocher explained the differences from one to the other but Sunterra oversees the diet for the hogs. The diets can affect the nitrogen and PNK levels in the manure, but from all the barns he has, the South Dakota barns have the best nutrients in the manure.
- Commissioner Haines opened the floor to citizen input.
- Larry Neugebauer stated that 263rd St will flood from time to time. He also said that 400th Ave is Tobin Township road and is also a no maintenance road and they won't fix it.
- Rodney Mathis lives a mile away and drives by different barns when he is taking his kids to his parents and at times he will take a different route because the smell from barns can be bad. He said knifing the manure in doesn't take away the smell. DeRocher explained the way they knife in the manure and how they don't take the knives out of the ground as often as other applicators. They can do a 40-acre parcel without lifting the knives and on an 80 acre parcel they lift the knives two or three times. He understands that when you lift the knives you aren't stopping the pump and it just gets surface spread and the farmer loses the nutrients and it looks bad. He is all about looks and better practices and doesn't want a bad reputation so that's why he has the machinery that he does to not have to lift as often.
- Mark Klumb lives to the east of the proposed facility and is curious if this new facility goes up if he would be able to put one on his land at about a mile away? DeRocher said he couldn't answer that for sure but said if they used the same partner of Sunterra that there is a better chance you can be closer than a mile. The one mile is not a zoning ordinance nor is it required to be from facility to facility.

- Someone raised the issue of the culvert at Hwy 42 starting to cave at the corner and that if this is to be a haul route this could be an issue. Weinberg stated he would take care of the issue.
  - Commissioner Haines closed the floor for citizen input.
  - Commissioner Storm acknowledged that there needs to be a road agreement for Baker and Tobin Township if they are going to use 400th Ave. He also believes that even if you have haul routes during construction and day to day routes after construction that drivers won't use those routes and believes there should be some way to keep someone accountable on damages roads.
  - Commissioner Thiesse was curious about posted bridges in the area and if the trucks would have a way in and way out to which Weinberg stated they would.
  - After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, seconded by Lewis Bainbridge, 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 for 263rd St between 399th Ave and 400th Ave.
    7. Road maintenance agreement with the township for 400th Ave between 263rd St and 262nd St.
    8. Building permit cannot be issued until after rehab project is complete on 263rd St between 399th Ave and 400th Ave.
- Roll call vote:
- Haines – aye, Stadlman – aye, Thiesse – aye, Storm –aye,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
9. That Jeff Miiller and Chris DeRocher have appealed to the Davison County Planning Commission to recommend granting a variance for side yard setback +/- 225 feet for a concentrated animal feeding operation resulting in a side yard setback of +/- 75 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 SE 1/4 of Section 1, T 101N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Have had a few phone calls questioning what was going on out there and after explanation they did not say if they were for or against.
  - 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.

- After consideration of 1106 B-Variances, motion by Kim Weitala, 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 – aye, Weitala – aye, motion carried.
10. That Jeff Miiller & 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 NW 1/4 of Section 1, T 101N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Have had a few phone calls questioning what was going on out there and after explanation they did not say if they were for or against. Planning and Zoning did receive and email against the project from a landowner to the north. He believes there needs to be stricter setbacks and that if anyone wants to build a residence on their land they can, but someone wouldn't because of the smell. The use of haul roads and ruining the roads needs to be paid for by the persons damaging them, not the tax payers.
  - 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 as barns that have been previously approved. Randy, Jeff's father owns the land.
  - Commissioner Bode stated she received a phone call about what this will do to land values around the area.
  - Commissioner Haines opened up the floor to public input.
  - Deb Bialas spoke in opposition of the facility. She lives about 7,600' to the northwest and has grandkids at her house sometimes and one has bad allergies and they don't want to smell the facility. She can already smell Jackrabbit on certain days.
  - Ryan Youngstrum questioned the road limits and weights of the trucks for feed and hauling the pigs. DeRocher stated that when the hogs come in they will be lighter than when they go out. They will reduce the numbers on the trucks to be legal when weight limits are on. He could not speak for the feed company because he doesn't know how many other barns they provide for. He doesn't know what times of the day they run and if they would be first or last for deliveries so it's hard to say what their weights will be. Weinberg stated that the roads for that area are sufficient and he has no issues with the haul routes.
  - Commissioner Haines closed the floor to public input.
  - After consideration of the 1106 A-Conditional Uses, a motion by Brenda Bode, seconded by Lewis Bainbridge, 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.

Roll call vote:

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

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

11. That Jeff Miiller 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 NW 1/4 of Section 1, T 101N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Have had a few phone calls questioning what was going on out there and after explanation they did not say if they were for or against.
- 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.
- After consideration of 1106 B-Variences, motion by Kim Weitala, seconded by Charles Storm, 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 – aye, Weitala – aye, motion carried.

12. Considered a Plat of Lot 1 of Christopher First Addition in the NE 1/4 of Section 20, T 102N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Quinton Young.

- Deputy Administrator Jenniges gave an explanation of the plat.
- The applicant was present to answer questions. Quinton owns the abutting land the east. This land will be used for pasture. Clarification to the board that because it will be platted a structure can be built, however a residential structure would need a variance permit prior to construction.
- Commissioner Bode believes this to be a good setup between neighboring landowners, one helping the other.
- Commissioner Haines talked about the history of the land and also the possibility of some drain tile in the area.
- Motion by Steve Thiesse, seconded by Gary Stadlman, to recommend approval of the plat to the County Commissioners. Roll call vote:

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

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

13. That Aaron Baas has appealed to the Davison County Planning Commission to recommend granting a variance for:

A. Lot size of +/- 19.42 acres to create a lot size of +/- 5.58 acres, where the minimum lot size is 25 acres in the Ag Res District.

B. Lot size of +/- 20.07 acres to create a lot size of +/- 4.93 acres, where the minimum lot size is 25 acres in the Ag Res District.

- This request is pursuant to Section 407 (3) 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 Lots 1 and 2 of AJB Subdivision in the NE ¼ of Section 12, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. A few neighbors called or stopped in questioning what Aaron was doing. Some are opposed due to living in the country and don't want more neighbors.
- The applicant was not present to answer questions. Discussion included Aaron intends to build a house for his family on Lot 1. He has platted out Lot 2 at this time as well for a residence for if he decides to sell that to his sister.
- Paul Reiland of SPN was there to answer any questions he could on behalf of Aaron. He stated the reason lot 1 looks a little different is to accommodate the setbacks from existing shed and the way the drop-off of the land is.
- The short portion of 251st is a township road that they do not maintain, Pooleys take care of it. Baas and Pooley's need to have a discussion on that portion of road.
- After consideration of 1106 B-Variances, motion by Gary Stadlman, seconded by Steve Thiesse, 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 – aye, Weitala – aye, motion carried.

14. Considered a Plat of Lots 1 and 2 of AJB Subdivision in the NE ¼ of Section 12, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Aaron Baas.

- Deputy Administrator Jenniges explained the plat.
- The applicant was present to answer questions. This plat goes with item number 13 on the agenda.
- 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 – aye, Storm – aye,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.

15. That Jen and Steve Froning have appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for an hair salon business in the Ag District.

- This request is in pursuant to Section 305 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot A in the NE 1/4 of Section 9, T 103N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
- Administrator Bathke explained the application, required notifications, and the GIS view. There was no response from those notified.

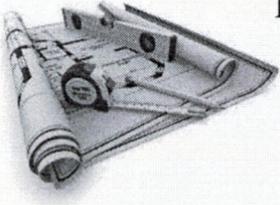
- The applicant was present to answer questions. Discussion included that this is an unclassified use within the ordinance, so it falls to Section 305. They intend to remodel an existing building for the hair salon. They moved back here from Wyoming and have a 2 1/2 year old daughter so Jen wants to be able to spend time with their daughter and having the salon will give her the freedom to do so. She has already been certified in South Dakota and will have to have yearly inspections.
  - After consideration of the 1106 A-Conditional Uses, a motion by Brenda Bode, seconded by Kim Weitala, 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 – aye, Bode – aye, Weitala – aye, motion carried.
16. Discussion on possible Davison County Zoning Ordinance updates. Planning and Zoning presented a list of items they are working on and will bring to next months meeting for the board to look over for changes/updates to the zoning ordinance.
  17. Additional Comments from the Group.
  18. Set date and time of next meeting – June 5, 2018 @ 7:00 P.M.
  19. Adjournment @ 9:42 P.M.



Bruce Haines  
Planning Commission Chairman



Mark Jenniges  
Deputy Director of Planning & Zoning



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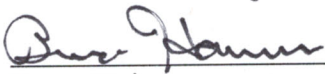
PLANNING COMMISSION MINUTES  
June 5, 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
  - Present: Bruce Haines, Steve Thiesse, Charles Storm, Brenda Bode, Kim Weitala, Mark Jenniges, Jeff Bathke,
  - Absent: Gary Stadlman, Lewis Bainbridge, Mark Jenniges
  - Guests: Marilyn Odland, Alicia Odland, Cody Miles, Kelsi Miles.
3. Consider the proposed agenda.
  - Motion by Kim Weitala, seconded by Brenda Bode, to approve the agenda. All members voted aye, motion carried.
4. Consider the May 1, 2018 Minutes.
  - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the May 1, 2018 proposed minutes. All members voted aye, motion carried.
5. Considered a Plat of Tract A of Odlands First Addition, an addition in the East 860 Feet of the South 646 Feet of the Southeast Quarter of Section 18, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Alicia Odland.
  - Administrator Bathke gave an explanation of the plat.
  - The applicant was present to answer questions. Alicia was approved for a variance in lot size at the May 2018 meeting and this is the plat to go with the variance. There was no additional discussion.
  - Motion by Steve Thiesse, seconded by Kim Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – absent, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
6. That Cody Miles has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a retail sales business of selling and installing garage doors in the Ag District.
  - This request is in pursuant to Section 305 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as W190' of S311.5' of N711.5' of the SW 1/4 of Section 2, T 102N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
  - Administrator Bathke 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 actual use of the building, which is primarily a warehouse. Customers can stop and the shop, but for the most part Cody will be installing doors for construction companies and lumber yards, so the number of on-site customers will be very low. He has work trucks, but they are stored inside. A trailer may sit outside. Discussion of possible expansion included meeting setbacks, which may require a variance. This will be a future discussion. The current building has water, but no sewage. An addition

would allow for a restroom. A sign was also discussed. Cody intends to place a business sign on the side of the building, which is an approved Accessory Use under Section 3:03(9), and can be up to 100 SF.

- After consideration of the 1106 A-Conditional Uses, a motion by Charles Storm, seconded by Kim Weitala, to recommend approval of the Conditional Use Permit to the Board of Adjustment. Roll call vote:  
Haines – aye, Stadlman – absent, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
7. Considered a Survey Plat of Timothy Tract 1 in the Northeast Quarter of Section 36, T 102N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Chris DeRocher.
- Administrator Bathke gave an explanation of the plat.
  - The applicant was not present to answer questions. This plat goes along with the CAFO and Variance approved in the March 2018 meeting. The plat meets all the required setbacks, as the variance to the north was approved at 150'. Discussion included the size of the plat, which is much bigger than needed; and the fact that Tim will retain ownership of the land. The commission asked if he could expand by adding another building. The answer was yes, but he has not given us any indication that he intends to expand.
  - Motion by Brenda Bode, seconded by Kim Weitala, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – absent, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
8. Considered a Plat of Lots 1 and 2 of Goldsteel Addition, an addition in the Northeast Quarter of Section 23, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of William Goldammer.
- Administrator Bathke gave an explanation of the plat.
  - The applicant was present to answer questions. Firesteel Links (Dave Backlund) has purchased the Harold Bietz property. Dave and William Goldammer are replatting the two existing parcels, with William receiving the north x feet of the Bietz/Firesteel Links parcel. This is located in the ETJ, which falls in city jurisdiction; but needs to also be approved by the county. The Mitchell City Council approved this on 6-4-2018. The reason for the plat was discussed, which was to allow for a possible future residence for a family member. There were no other concerns.
  - Motion by Charles Storm, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – absent, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
9. Discussion on possible Davison County Zoning Ordinance updates. Planning and Zoning presented a list of items they are working on and will bring to next month's meeting for the board to discuss for future changes/updates to the zoning ordinance. Discussion included:
1. Definitions to be added.

2. Correcting SDCL 31-13-56 in several chapters, which was incorrectly listed as SDCL 13-31-56.
3. Setbacks dealing with WES.
4. Section 4:09 (5) Rural Development Standards-added "with a variance".
5. Adding a statement to address exceptions when new technology is developed in the WES field.
6. Nutrient Management Plans-When DENR does not monitor a Nutrient Management Plan, how do we know the producer is putting on the correct amount, and in the approved location? We will check with DENR.
7. The Commission would like the States Attorneys Office to provide input on if the Commission does not list a use as permitted, accessory, or conditional does that mean it is not approved; or does this mean we just don't have any standard?
16. Additional Comments from the Group. None
17. Set date and time or next meeting – July 10, 2018 @ 7:00 P.M.
18. Adjournment @ 9:32 P.M.



Bruce Haines  
Planning Commission Chairman



Jeff Bathke  
Director of Planning & Zoning



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PLANNING COMMISSION MINUTES  
July 10 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
  - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Charles Storm, Brenda Bode, Mark Jenniges.
  - Absent: Lewis Bainbridge, Kim Weitala, Jeff Bathke.
  - Guests: Ken & Michelle Schoenfelder, Mary Stadlman, Brady & Wendy Buysse, Jerry Scott, Mike Anderson, and Gene Stehly.
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 June 5, 2018 Minutes.
  - Motion by Steve Thiesse, seconded by Brenda Bode, to approve the June 5, 2018 proposed minutes. All members voted aye, motion carried.
5. That Ken Schoenfelder has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for:
  - a) Lot size of +/- 22.79 acres to create a lot size of +/- 2.203 acres where the minimum is 25 acres in the Agricultural Residential District.
  - b) Lot size of +/- 20.487 acres to create a lot size of +/- 4.513 acres where the minimum is 25 acres in the Agricultural Residential District.
  - This request is in pursuant to Section 407 (4)(5) 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 Lots 1 and 2 of Ken's Addition in the NE 1/4 of Section 22, T 102N, R 60 W of the 5<sup>th</sup> 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 Lot 1 will be for his son to build a house on and Lot 2 is where he and his wife live and they would like to parcel that off for estate planning. This is located in the Ag Res District so setbacks are 10' on the sides and back.
  - Commissioner Stadlman asked if there was an existing approach to which Ken answered there is not and they have been in talks with Prosper Township for installing one but for the time being they will probably share the existing approach at his place.
  - Commissioner Haines asked why 175' lot and if there is enough room to which Ken answered the ordinance requires 150' and being in the Ag Res district setbacks are only 10' on the sides so there is plenty of room, he could have gone bigger. He does not intend to parcel off any other land to the west unless his daughter has a change of heart, but it would be for family only.

- After consideration of the 1106 B-Variances, a motion by Steve Thiesse, seconded by Gary Stadlman, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm –aye,  
Bainbridge – absent, Bode – aye, Weitalla – absent, motion carried.
6. Considered a Plat of Lots 1 and 2 of Ken's Addition in the NE 1/4 of Section 22, T 102N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Ken Schoenfelder.
- Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. This plat goes a lot with item number 5 on the agenda. There is a 25' easement on the east side of lot 2 to allow farming equipment to access the land behind the house.
  - Motion by Charles Storm, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitalla – absent, motion carried.
7. That Brad Buysse has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 20 acres to create a lot size of +/-5 acres where the minimum is 25 acres in the Agricultural District
- This request is in pursuant to Section 307 (4) 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 Tract 1 of Buysse Addition, an Addition in the Northeast Quarter of the Southeast Quarter (NE 1/4, SE 1/4) of Section 21, T 102 N, R 61 W of the 5<sup>th</sup> 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 that Brad and Wendy have been living in a camper on their parents land to save up enough to buy some land a build a house. They will have their own water and electric hook ups.
  - Commissioner Stadlman question if there was an existing approach to which Brad said no but he has talked to Rusty from the Highway Department on this.
  - Commissioner Haines asked about the shape of the lot and wondered if it was driven by the fence on the west side. Brad said there is a fence and then they squared off off the south line to run parallell with the north boundry to get them the five acres.
  - After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Gary Stadlman, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm –aye,  
Bainbridge – absent, Bode – aye, Weitalla – absent, motion carried.
8. Considered a Plat of Tract 1 of Buysse Addition, an Addition in the Northeast Quarter of the Southeast Quarter (NE 1/4, SE 1/4) of Section 21, T 102N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Brad Buysse.
- Deputy Administrator Jenniges gave an explanation of the plat.

- The applicant was present to answer questions. This plat goes a lot with item number 7 on the agenda.
  - Motion by Charles Storm, seconded by Brenda Bode, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
9. Considered a Plat of Lot 2-B, a Subdivision of Lots 1 and 2 of Skyline Estates in the South 100 Acres in the NW 1/4 of Section 14, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Brock Properties LLC.
- Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was not present to answer questions. This plat is located in the ETJ. They are correcting some encroachments. The city has already approved this plat.
  - Motion by Gary Stadlman, seconded by Brenda Bode, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
10. Considered a Plat of Lots A and B of Mason's Addition in the West 1/2 of the NW 1/4 of Section 7, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Francis Mason ET AL.
- Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was not present to answer questions. This plat is located in the ETJ. City Planning Commission has recommended approval to City Council and they will hear it 7-16-18. The city planning commission had this on their agenda as a discussion item only prior to the plat application to see what the city and county would allow for approaches. This is a county road so Rusty was contacted and he agreed that 2 approaches allowable.
  - Commissioner Bode believes this is a very busy road and has a lot of loaded truck traffic on it and there are too many approaches on the north side of the road already. She feels a service road would be a safer alternative.
  - Discussion included that there could be a service road if all the trees were taken out on the south side of the lots, which the board thought was not a shelter belt, more so volunteer trees and a lot of them are dead or dying and a home owner would take them out anyway.
  - The zoning for this area is city jurisdiction, however if this were in the county and Lot A were to be sub-divided into more lots a service road could be required per the county zoning ordinance.
  - Motion by Steve Thiesse, seconded by Brenda Bode, to recommend disapproval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – absent, Bode – aye, Weitala – absent, motion carried.
11. 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. Discussion included:

- Possibility of adding a size requirement to moveable structures that would require a building permit.
- Permit process, regulations, and follow-up from the state and local ordinance pertaining to CAFO's.
- The possibility of Mt. Vernon and Ethan having a section in the ordinance if each town so chooses to adopt zoning regulations and have the county monitor them. Davison County is in the budget stage of the next Comprehensive Plan and a determination will be made after those findings are made.
- The possibility for a renewable energy portion in the ordinance depending on the findings of the updated Comprehensive Plan.

12. Public Input.

- Public input is required by state law at all public meetings as of July 1, 2018. This will be moved up on the agenda towards the beginning of the meeting for future meetings.
- Jerry Scott wondered where the county was with WES and if there were any drafts available for the public to look over and what the process is for community members to voice their concerns or suggestions to the boards. Also questioned if a Conditional Use Permit can still be applied for and what steps would be taken if there was one. Commissioner Bode replied that the county is updating their Comprehensive Plan and will look at renewable energy as a whole for Davison County and see if and where it fits after that is completed and go from there. She encouraged any information to be directed through the Planning and Zoning office, so it can be distributed to all members and part of public record. Anyone can still apply for a CUP for a WES and would be the same process as before and will be dealt with on a case by case basis.

13. Additional Comments from the Group. None

14. Set date and time of next meeting – August 7, 2018 @ 7:00 P.M.

15. Adjournment @ 9:20 P.M.



Bruce Haines  
Planning Commission Chairman



Mark Jenniges  
Deputy Director of Planning & Zoning



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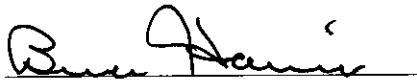


PLANNING COMMISSION MINUTES  
August 14, 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
  - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Brenda Bode, Kim Weitala, Jeff Bathke, Mark Jenniges
  - Absent: Charles Storm, Lewis Bainbridge.
  - Guests: Jeff Miiller, Randy Miiller, Derek Mueller
3. Consider the proposed agenda.
  - Motion by Kim Weitala, seconded by Brenda Bode, to approve the agenda. All members voted aye, motion carried.
4. Consider the July 10, 2018 Minutes.
  - Motion by Steve Thiesse, seconded by Brenda Bode, to approve the July 10, 2018 proposed minutes. All members voted aye, motion carried.
5. Public input-none.
6. Considered a Survey Plat of Bauhs Barn Tract 1 in the Southwest Quarter of the Northwest Quarter and in the Northwest Quarter of the Southwest Quarter of Section 36, T 101N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Tim Neugebauer.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was not present to answer questions. Tim is parceling off the area of land where the newly built CAFO sits. There is already an existing approach he is using. The size of the parcel was questioned with so much room on the south side of the building. Planning and Zoning did not have an answer for that but did not believe there was going to be another CAFO on the same location. Tile was just put in in 2016 in that area as seen from the GIS flyover.
  - Motion by Gary Stadlman, seconded by Kim Weitala, 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 – aye, motion carried.
7. Considered a Survey Plat of Bacon Tract 1 in the Southwest Quarter of the Southwest Quarter of Section 20, T 102N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Jeff Miiller.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. Jeff is parceling off land for the CAFO for financing and liability reasons.
  - Motion by Steve Thiesse, seconded by Brenda Bode, 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 – aye, motion carried.

8. Considered a Survey Plat of Ms. Piggy Tract 1 in the Southeast Quarter of the Southeast Quarter of Section 1, T 101N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Jeff Miiller.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. Jeff is parceling off land for the CAFO for financing and liability reasons.
  - Motion by Gary Stadlman, 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 – aye, motion carried.
9. Considered a Survey Plat of Wilbur Tract 1 in Government Lot 4 of the Northwest Quarter of Section 1, T 101N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Jeff Miiller.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. Jeff is parceling off land for the CAFO for financing and liability reasons.
  - Motion by Steve Thiesse, seconded by Kim Weitala, 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 – aye, motion carried.
10. Considered a Plat of Tract 1 of DJM Addition, an Addition in the Northwest Quarter of the Northwest Quarter (NW ¼, NW ¼) of Section 9, T 101N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Derek Mueller.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. Derek is platting his land because it is currently described by measurements and he can not obtain a building permit and wants to build a grain bin.
  - Commissioner Stadlman was curious if there would be enough power for the new bins or if there would need to be a new service line to which Derek said he can come off the existing barn for power.
  - 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 – aye, motion carried.
11. That Derek Mueller has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for front yard setback of +/- 15 feet to create a front yard setback of +/- 60 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 will be legally described as A Plat of Tract 1 of DJM Addition, an Addition in the Northwest Quarter of the Northwest Quarter (NW ¼, NW ¼) of Section 9, T 101 N, R 60 W of the 5<sup>th</sup> 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.

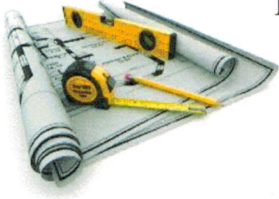
- The applicant was present to answer questions. Discussion included Derek would like to place a grain bin on his property and this is best place to not take up farm ground or alley ways for his equipment to get around the property.
  - Commissioner Bode understood why he was placing it were he is because it's not just the bin you have to account for, the tractor, auger, semi or other pieces of farm equipment needed.
  - Commissioner Haines was curious if there was a hardship for this and Derek explained there is a slope on the land and he would have to do more dirt work.
  - Commissioner Stadlman had no concerns with the position of the bin since it's an established treebelt that is going up against and shouldn't cause any issues.
  - After consideration of the 1106 B-Variations, a motion by Gary Stadlman, seconded by Kim Weitala, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm –absent,  
Bainbridge – absent, 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. Director Bathke explained that the county is in the process of updating its Comprehensive Plan. They are working with the 3 cities within the county as well as the County Commission to get funding for it in next year's budget. This will be one of the first Comprehensive Plans that include all municipalities with the county within the state. Davison County's last plan was done in 1999 and the City of Mitchell was in 1990. Mt. Vernon and Ethan have never had one done and are excited to see the results of the findings and solutions for the future that District III will come up with. There will be public input for this and the Davison County Zoning Ordinance will be amended to support the findings of the Comprehensive plan.
14. Set date and time of next meeting – September 4, 2018 @ 7:00 P.M.
15. Adjournment @ 8:01 P.M.



Bruce Haines  
Planning Commission Chairman



Mark Jenniges  
Deputy Director of Planning & Zoning



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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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 one 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 5<sup>th</sup> 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 partenering with Roger Gerlach, Frances Gerlach (parcel of land) is Rogers mother.
  - 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 Superindenant. 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 too many facilities around here he will have to move away. He didn't know anything about the proposed facility until a neighbor told 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.
- Weitalla 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, Weitalla – 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 5<sup>th</sup> 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 too 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 5<sup>th</sup> 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

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PLANNING COMMISSION MINUTES  
November 6, 2018

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call
  - Present: Bruce Haines, Gary Stadlman, Charles Storm, Steve Thiesse, Brenda Bode, Kim Weitala, Lewis Bainbridge, Mark Jenniges.
  - Absent: Jeff Bathke
  - Guests: Steve & Nancy Nedved, Jason & Aaryona Nedved, Skyler Muilenburg, and Laurice Hamilton.
3. Consider the proposed agenda.
  - Motion by Brenda Bode, seconded by Lewis Bainbridge, to approve the amended agenda including consideration of a plat from Jerry Constant after public input. All members voted aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the September 4, 2018 Minutes.
  - Motion by Charles Storm, seconded by Gary Stadlman, to approve the September 4, 2018 amended minutes. All members voted aye, motion carried.
6. Public input-none.
7. Considered a Plat of Constant Tracts A-1 and A-2, A subdivision of the East 1/2 of the SE 1/4 of Section 28, T 103N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Jerry Constant.
  - Deputy Administrator Jenniges gave an explanation of the plat.
  - The applicant was present to answer questions. Jerry plans to sell the two tracts to separate people. He will have an easement drawn up and filed on Constant Tract A-1.
  - Motion by Gary Stadlman, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – aye, Bode – aye, Weitala – aye, motion carried.
8. That Larice Hamilton has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for rental property of three or more units including a trailer house built in 1965 in the Ag District.
  - This request is in pursuant to Section 302 and 304 (27) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as E 5/8 of the S 1/2 of the SE 1/4 EX Lot 15, H-1, & H-2 of Section 15, T 101N, R 60 W of the 5<sup>th</sup> 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 Larice came into Planning and Zoning to get a 911 sign for a mobile home. After

discussion with Larice it was found that Larice purchased the trailer house from Parkston and moved it onto his lot without a building permit. He stated that he didn't know he needed a building permit because it was a mobile home.

Administrator Bathke found a vin number on the structure and was able to get a year of manufacture from it, 1965, make it a trailer house and not approved in Davison County. Also, by putting this on his property it changes the number of rentals and a conditional use of 3 or more rentals is needed. The existing rental units were grandfathered in because they were before the ordinance was adopted.

- Bainbridge wanted to know where the dates came from and the reason behind trailer houses not being allowed? District III brought it to the attention of the county long ago and is stated in the Davison County Zoning Ordinance. It has to deal with construction of the buildings to including asbestos and formaldehyde. This follows the Federal Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976.
  - Weitala wanted clarification on the application which was discussed as two issues. The first is the moving in a 1965 trailer house without a building permit both of which are illegal according to the ordinance. The second issue at hand is if the trailer house can stay, then a discussion on allowing another rental to be allowed on the property.
  - Stadlman confirmed that the trailer house could be moved into Ethan, but they do not want trailer parks in Ethan. It can be moved onto an existing trailer house site but needs to be put on a foundation, according to Ethan Ordinance. The trailer house could also be moved into a trailer park in Mitchell.
  - After consideration of the 1106 A-Conditional Uses, a motion by Brenda Bode, seconded by Gary Stadlman, to recommend disapproval of the unpermitted trailer house to the Board of Adjustment.
  - Discussion on the motion
  - Bode would like to put a timeline on removal but wants to discuss what is fair to all parties. She didn't think 30 days was fair.
  - Bainbridge required clarity of when appeals begin and end. Deputy Jenniges informed the board the 30 days would start after the last day of possible appeal which is 30 days after the minutes are published in the paper.
  - After discussion a motion by Bode to amend her original motion to include removal of the trailer house by May 1, 2019, seconded by Stadlman.
  - Roll call vote:  
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – aye,  
Bainbridge – nay, Bode – aye, Weitala – aye, motion carried.
9. That Jason Nedved has appealed to the Davison County Planning Commission to recommend granting a Variance Permit for minimum lot size of +/- 21 acres to create a lot size of +/- 4 acres where the minimum is 25 acres in the Agricultural Residential District
- This request is in pursuant to Section 407 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 and the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 8, T 102N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

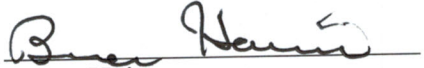
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. There was no response from those notified.
- The applicant was present to answer questions. Discussion included that Jason would like to build a house on land owned by his parents. They own 30 acres and would like to keep their share about 25 acres so they stay taxed as farm land. If approved he will have the land platted at a future meeting, before a building permit will be issued. There is floodplain on the proposed area, but not where the house will be built. Highway Superintendent Weinberg has been talked to about the location of the driveway and he is okay with it.
- Haines knows the property well since he lives across the road and thinks it's a good location with established trees to help stop drifting snow in the winter.
- After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Lewis Bainbridge, 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.

10. That Samantha Beeson has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a towing business in the Ag District.

- This request is in pursuant to Section 305 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots A and B of Puetz's Subdivision in the West 1/2 of the Northwest 1/4 of Section 11, T 101N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.
- Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. A response against was received from Sandra Dewald. The email sent with the packet.
- The applicant was not present to answer questions. Discussion included the process of it becoming an application to a towing business. Section 305 is the "catch all" for things not stated in Section 304. The definition of towing business was discussed.
- Weitala questioned why no one was there to speak for the application and why it's so far from their home.
- Haines questioned if vehicles were going to be stored inside once they are towed there and repaired inside or what was going to happen and how long vehicles would be there.
- Stadlman has no problem with a towing business if it's just going to be towing and if vehicles aren't going to be there, but if they are vehicles from accidents and insurance companies get involved vehicles could sit for a while. He would like to see a business plan presented. Wished Samantha was there to answer questions.
- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Charles Storm, to recommend disapproval of the Conditional Use 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.

11. Discussion on Comprehensive Plan.

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 – December 4, 2018 @ 1:15 P.M.
15. Adjournment @ 8:46 P.M.



Bruce Haines  
Planning Commission Chairman



Mark Jenniges  
Deputy Director of Planning & Zoning




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PLANNING COMMISSION MINUTES  
December 4, 2018

1. Chairman Haines called the meeting to order at 1:38 P.M.
2. Roll Call
  - Present: Bruce Haines, Steve Thiesse, Brenda Bode, Kim Weitala (Via Phone), Mark Jenniges.
  - Absent: Gary Stadlman, Charles Storm, Lewis Bainbridge, Jeff Bathke.
  - Guests: Sheila Slater
3. Consider the proposed agenda.
  - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the agenda. All members voted aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the November 6, 2018 Minutes.
  - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the November 6, 2018 proposed minutes. All members voted aye, motion carried.
6. Public input-none.
7. Considered a Plat of Tract A of Odlands First Addition, an addition in the East 860 Feet of the South 646 Feet of the Southeast Quarter of Section 18, T 103N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Alicia Odland.
  - Deputy administrator Jenniges gave an explanation of the plat.
  - The applicant was not present to answer questions. Alicia was approved for a variance in lot size at the May 2018 and a plat approved in June 2018. During construction of the house it became too close to the north property line. This made it a non-conforming structure. Instead of requesting a variance she decided to vacate the old plat and replat the land with the same legal and dimensions, but moving it further north. This is within the ETJ and the city will hear it as well.
  - Motion by Brenda Bode, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:  
Haines – aye, Stadlman – absent, Thiesse – aye, Storm – absent,  
Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
8. Discussion on Comprehensive Plan. None.
9. Discussion on possible Davison County Zoning Ordinance updates. None.
10. Additional Comments from the Group. Member terms were discussed, those with terms expiring will be asked if they would like to be appointed again by the Davison County Commissioners for another term.
11. Set date and time for next meeting – January 8, 2019 @ 1:15 P.M.
12. Adjournment @ 1:51 P.M.

  
Bruce Haines  
Planning Commission Chairman

*Mark Jenniges*

Mark Jenniges

Deputy Director of Planning & Zoning