

**Day County Planning and Zoning Minutes**  
**Regular Meeting**  
**July 24, 2018**

The regular meeting of the Planning & Zoning Board met on Tuesday July 24, 2018 at 9:15 AM in the county commissioner chambers of the Day County Courthouse. Chairman Tompkins called the meeting to order. Other member's present were James, Hesla, Tobin & Walters. Also, present: Dari Schlotte Zoning Officer, Barbra Block Clerical, States Attorney Smeins, John Suhr Reporter & Farmer, Mike Carpenter, Joan Trygstad and Glenn Gebur.

**MINUTES:**

Moved by Walters seconded by Tobin to approve the minutes of the June 19, 2018 meeting.

**OLD BUSINESS:**

There was some discussion on the CAFO application requested of Jeff Schiley on his hog confinement barn built prior to the new Zoning regulations. It is being looked at as one operation with Scott Schiley's Cattle CAFO barn due to their location of each other and how the operation is being ran. Administrator Schlotte noted that the ground work being done by Jeff was not complete and more time was needed to get things in order before he could make a decision. The states attorney confirmed that Jeff's attorney also requested more time to get things in order to determine if the CAFO permit would be a viable option.

Other old business was to adopt the findings of facts and conclusions of law drawn up for the Duerre CAFO that was previously approved based on the regulations included within this document. Some discussion led to some changes of this document. Item 2 under conclusion of law was to include language stating including but not limited under section 804. Item 6 was also viewed for a possible time set for the planting of the trees requested and or if planted to make sure they are maintained in a manor to allow for proper growth. Item 7 was also questioned as to when or if the facility would no longer be used or abandoned as to who or how they would be inspected. States Attorney Smeins stated that sometime maybe a temporary stop of use could occur due to disease or equipment failure and we don't want to call it abandoned right away in that case. Possibly add an inspection clause or comment to this paragraph. Also, some minor language changes throughout will be made as discussed. An updated version will be completed and attached to the minutes as well as placed in the Duerre CAFO file. Moved by Tobin seconded by Tompkins to approve the documents with changes noted above. A roll call vote was taken with Tobin, Hesla and Tompkins voting aye, with James and Walters voting nay. Motion to adopt the findings of facts and conclusions of law passed with a 3 to 2 vote. Board member James clarified his vote as it was based on the amount of opposition and constituents in his district and the immediate area that were against the CAFO project. Board member Walters agreed that the people in that area should have quality of air and the odor should not have to be imposed on them.

**PLATS:**

A new plat was brought before the board for Dargatz Farm Addition in the SE of section (32 122 55). The plat was proposed as a future possible building site. Moved by Hesla seconded Walters to approve that plat, all voted aye, motion carried.

A new plat was brought before the board for Lots 4 & 5 Grimsrud North Addition in the SE (23 123 59). Purpose of the plat was to plat off some land to sell and separate some grass land from crop land. Moved by Tobin seconded by James to approve the plat, all voted aye, motion carried.

A new plat was brought before the board for McMurtry Second Subdiv. in the S1/2NW & N1/2SW (14 121 56). Purpose of the plat is to separate the house from the rest of the property. Moved by Hesla seconded by Walters to approve the plat, all voted aye, motion carried.

**APPROACH PERMITS:**

No new approach permits were brought before the board.

**VARIANCES:**

Rodney Tobin requested a variance be brought before the board for the NW 22 124 58 to construct a new addition to existing garage to be approximately 82' from the road way, within the 150' set back requirement from the center of a township road. Moved by Walters and seconded by James to approve the variance, all voted aye, motion carried.

John & Tamme Berdahl by Jamie Dysthe Contractor requested a variance be brought before the board on Lot 1 ex deeded parts (34 124 53) to construct a boat house on the lakeshore within 40' set back. A lake shoreline alteration permit is required from the GF & P for the project and this has not been turned into our office. Moved by Walters seconded by Tobin to defer action on the variance until all documentation is received, all voted aye, motion carried. The information was not yet received for the July 24<sup>th</sup> meeting so a motion to defer action to the next meeting was made by Walters and seconded by James, all voted aye motion carried.

**CONDITIONAL USE PERMIT:**

No new conditional use permits were brought before the board for approval.

**ADJOURNMENT:**

Being no further business, it was moved by Walters seconded by Tobin to adjourn the Planning & Zoning meeting.

Respectfully Submitted

Transcribed by Barbra Block

Drafted by Dari Schlotte; Zoning Administrator Day County Planning & Zoning Board.