

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
May 18, 2015

A meeting of the Planning Commission was held on May 18, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Wayne Steinhauer, Mike Cypher, Bonnie Duffy, Becky Randall, and Doug Ode.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Sara Show – Office of the State’s Attorney

The meeting was chaired by Wayne Steinhauer.

CONSENT AGENDA

Items #4, 5, 9, and 10 were moved to the regular agenda for discussion purposes.

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** the consent agenda consisting of items #2, 3, 6, and 7. The motion passed unanimously.

ITEM 1. Approval of Minutes – April 27, 2015

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** the meeting minutes from April 27, 2015. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #15-26 to allow a Second Dwelling within the parcel legally described as S402.44' W1920.68' S1/2 NE1/4 & N217.9' W450.67' N1/2 SE1/4, Section 14-T102N-R51W.

Petitioner: Monte D. Muchow

Property Owner: same

Location: Approximately 1 mile northeast of Hartford

Staff Report: Kevin Hoekman

This would allow a second dwelling within a farmstead.

General Information:

Legal Description – S402.44' W1920.68' S1/2 NE1/4 & N217.9' W450.67' N1/2 SE1/4, Section 14-T102N-R51W

Present Zoning – A1 - Agricultural

Existing Land Use – small scale agriculture/farmstead

Parcel Size – 20 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 1 mile to the northeast of Hartford at 25825 Westmark Avenue. The subject property is a small farmstead with animals and other agricultural type activities. The parcel currently has 2 houses on the site; however one house is in an unlivable condition and only used for storage. The parcel does include 2 building eligibilities; one eligibility is locked while the other is listed to require a conditional use permit.

The petitioner would like to use the open building eligibility to construct a second dwelling in the place of the house that is currently used as storage. The smaller house (currently used for storage) will be removed to make room for the proposed dwelling; therefore only two houses will be on the farmstead. The petitioner noted that they intend on creating a new platted parcel for the proposed dwelling. Locating this eligibility within this parcel will not remove any productive cropland.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The allowed use of this building eligibility does not increase the number of dwelling units allowed in this section. It will group residential uses together and have little to no effect on the orderly development of the surrounding properties. Because of close proximity to one another, the future development of the existing farmstead may become more difficult when the landowner

sells of one or both lots.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

No extra utilities or services will be required for this site to utilize the building eligibility. The existing site conditions and building locations make the sharing of a driveway impractical. A driveway permit is not required in Hartford Township.

4) That the off-street parking and loading requirements are met.

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed conditional use will have little to no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location allows for residential uses to be clustered together and prevents the conversion of productive agricultural land.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #15-26 with the following conditions:

- 1.) The right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single family dwelling.
- 2.) The lot shall be platted to meet minimum lot requirements for Minnehaha County.

ACTION

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** the meeting minutes from April 27, 2015. The motion passed unanimously.

Conditional Use Permit #15-26 – Approved

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** Conditional Use Permit #15-26. The motion passed unanimously.

Conditional Use Permit #15-26 – Approved

ITEM 3. CONDITIONAL USE PERMIT #15-27 to exceed 1,200 square feet of total accessory building area – requesting 1,620 sq. ft. on the property legally described as E1/2 of Tract 32, West Acres, SW1/4, Section 17-T101N-R50W.

Petitioner: Roger Robinson

Property Owner: same

Location: 46705 Sage St. - Approximately 2 miles west of Sioux Falls

This would allow 1,620 square feet of total accessory building area.

General Information:

Legal Description – Tract 32, West Acres, SW1/4, Section 17- T101N-R50W

Present Zoning – A-1 Agriculture

Existing Land Use – residential

Parcel Size –

Staff Report: Scott Anderson

Staff Analysis:

The property is located approximately three (3) miles west of Sioux Falls, on Sage Street in West Acres Subdivision. The parcel is located in Wayne Township.

The petitioner would like to construct an accessory building on this site. In subdivisions or residential developments which exceed four lots in size, accessory building area is limited to 1200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner's requested size of 1,620 square feet is smaller than the largest existing accessory building in the area. The petitioner's request would be consistent with the other large accessory buildings in the area. The other large existing accessory buildings in the area is 4,050 square feet and is located at 46702 Snowberry Street and 3,360 square feet located at 46702 Sage Street and 2,772 square feet located at 46710 Chestnut Street as shown on the map included with this report. CUP #13-22 was issued for the larger detached accessory structure on Sage Street and CUP #14-18 was issued for the larger accessory structure on Chestnut Street.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.

Given the existence of the other larger accessory buildings in the area, the construction of this structure should not impede on the enjoyment or use of the surrounding properties or effect property values.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The building can only be used as an accessory structure to the established residential use and no

commercial or business activities are allowed. The applicant has provided a statement indicating that the building will be used to store his camper, boat and trailers.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

It appears from the site plan submitted by the applicant that a new approach will be constructed from Sage Street. Wayne Township would need to approve the new approach. As this is only an accessory structure, no other infrastructure is required.

4) That the off-street parking and loading requirements are met.

There is ample area on the subject property for any parking as a result of residential activities. No on-street parking will be allowed. No commercial or business parking is allowed.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

There should be no offensive odors, fumes, dust, noise or vibration from the allowed residential uses on this property.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public will not be impacted by the placement of a larger accessory structure on the subject property. The intent of the Comprehensive Plan will be met, as the site will retain its residential character and allow for the continued use of the property.

Staff finds that the requested conditional use is appropriate for this residential area. The recommended conditions of approval will help to ensure the over-sized building will be in character with the surrounding area. The Planning Department will perform a building inspection to measure the size of the structure. Measurements are taken of the outside perimeter.

Recommendation:

Staff finds that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of conditional use permit #15-27 with the following conditions:

- 1) The total accessory building square footage shall not exceed 1,620 square feet.
- 2) The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.
- 3) The accessory building shall not exceed one story in height.
- 4) A building inspection is required to determine that the building does not exceed 1,620 square feet measured from the outside perimeters.
- 5) A building permit is required
- 6) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.
- 8) That prior to applying for a building permit, the applicant shall obtain an approach permit

from Wayne Township for any new approach onto Sage Street.

ACTION

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** Conditional Use Permit #15-27. The motion passed unanimously.

Conditional Use Permit #15-27 – Approved

ITEM 6. CONDITIONAL USE PERMIT #15-30 to allow a Mini Storage Building on the property legally described as Tract 2 Oyen's Addition W1/2 NE1/4, Section 1-T103N-R50W.

Petitioner: Clay Haug

Property Owner: Performance Property

Location: 47165 250th St. Approximately 3.5 miles west of Baltic

Staff Report: Scott Anderson

This would allow a Mini Storage Building.

General Information:

Legal Description – Tract 2 Oyen's Addition, Section 1, T103N – R50W

Present Zoning – C Commercial

Existing Land Use – Commercial

Parcel Size – 1.66 acres

Staff Report: Scott Anderson

Staff Analysis:

The applicant is requesting a conditional use permit to allow for the construction and use of a 50 foot by 100 foot mini storage facility. The proposed construction site will be located on the same parcel of property as Performance Paint and Body. The proposed site of the mini storage units is between two existing commercial businesses, Performance Paint and Body and Friendlies Gas Station.

On May 5, 2015, Staff conducted a site visit. The subject property is located on the east side of the Baltic exit off Interstate 29. The site is well suited to this type of commercial development. There are no residences visible from the proposed construction site. There is an existing well established shelter belt to the south. The area to the north is currently zoned A-1 Agriculture and is being used for crop production.

The applicant has provided a site plan, which has been included for your review. The proposed storage building would use the existing approach also used by Performance Paint and Body. The proposed driveway to the storage unit will have to be paved, as the driveway is paved and comes off a paved County Highway. The site plan does not show an adequate turn around area at the ends of the driveways. The applicant shall either connect the two driveways creating a loop or provide an adequate turn around area at the end of each driveway. No additional landscaping has been indicated. No security fencing has been indicated.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The proposed use will increase the traffic and use of the property, even if the increase is minimal. The addition of storage units should not impact the use and enjoyment of the surrounding area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The area around the interstate exit has existing commercial land uses. The Comprehensive Plan identifies interstate interchanges as an appropriate area for commercial and industrial development and growth. This proposed use should not slow or deter future commercial and industrial growth in the area.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

The facility will use the existing approved access onto the County Highway. All other necessary utilities are available to the parcel.

4) That the off-street parking and loading requirements are met.

The buildings are spaced wide enough to allow for parking. No permanently parked vehicles will be allowed as outdoor storage. The parking areas and driveways will be required to be hard surfaced in accordance with Minnehaha County Minimum Improvement and Maintenance Standards.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Lighting should be directed downward onto the property and not spill off the site. No commercial businesses will be allowed to operate in the units, reducing the chances of any nuisance being caused by this facility.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

It is unlikely that the requested expansion will create any additional health, safety or welfare concerns. This area is designated as a rural service area in the comprehensive plan. This designation allows for the development of commercial and industrial entities in the area.

Recommendation:

Staff finds that the proposed mini-storage facility is an appropriate use of the commercial land at this site. Staff recommends **approval** of Conditional Use Permit #15-30 with the following conditions:

- 1.) The property shall adhere to the submitted site plan dated 4-22-15. This includes building locations and tree planting plan.
- 2.) The two driveways shall either be connected creating a loop or an adequate turn around area at the end of each driveway shall be provided.
- 3.) No outside storage shall be allowed at any time.
- 4.) All signage shall conform with Article 16 of the Minnehaha County Zoning Ordinance and a sign permit must be obtained prior to placement of any signage.
- 5.) No commercial businesses shall be allowed to operate out of the storage units
- 6.) New storage buildings shall match the colors of the existing buildings.
- 7.) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface is required to be installed once all of the storage units are constructed or by October 1, 2016, whichever is sooner.

- 8.) All lights shall be of shoe-box style, directing lights directly downward onto the property.
- 9.) Building permits are required for the storage units and for any signage.

ACTION

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** Conditional Use Permit #15-30. The motion passed unanimously.

Conditional Use Permit #15-30 – Approved

ITEM 7. CONDITIONAL USE PERMIT #15-31 to allow the transfer of three building eligibilities from the SE1/4 (Exs.), Section 21-T101N-R48W to Tract B Iverson Park Addition S1/2, Section 21-T101N-R48W.

Petitioner: KB Investments, LLC

Property Owner: same

Location: Approximately 1 mile east of Sioux Falls

This would allow the transfer of three building eligibilities.

General Information:

Legal Description – Tract B, Iverson Park Addition, Section 21, T101N-R48W.

Present Zoning – A-1 Agriculture

Existing Land Use – vacant

Parcel Size – 15.71

Staff Report: Scott Anderson

Staff Analysis:

The applicant wants to transfer three building eligibilities from the SE ¼ of Section 21 of Split Rock Township to a 15 acre parcel overlooking the Big Sioux River called Tract B, Iverson Park Addition. The applicant is in the process of purchasing Tract B.

On May 1, 2015, staff conducted a site visit. There are no confined animal feeding operations near the proposed transfer. The applicant is moving the eligibilities from very productive crop land into a scenic pasture area with rolling hills overlooking the Big Sioux River.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The transfer of the building eligibility does not increase the number of dwelling units allowed in this section.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

Rural water is available in the area and a waste water system will be utilized. The applicant indicated that the proposed building sites will use an existing 66 foot wide access easement.

4) That the off-street parking and loading requirements are met.

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public will not be impacted by the transfer of three (3) building eligibilities. The intent of the Comprehensive Plan will be met, as density zoning will be followed.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #15-31

ACTION

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** Conditional Use Permit #15-31. The motion passed unanimously.

Conditional Use Permit #15-31 – Approved

REGULAR AGENDA

ITEM 4. CONDITIONAL USE PERMIT #15-28 to allow a Single Family Dwelling on the property legally described as Tract 2 (Ex. Tracts A & B & Ex. A 100' Strip Lying Adjacent to Tract A), Anderson's Addition N1/2, Section 10-T102N-R48W.

Petitioner: Wyatt Sundvold

Property Owner: Candice Anderson

Location: Approximately 0.5 mile west of South Dakota Highway 11

Staff Report: Kevin Hoekman

This would allow a single family dwelling.

General Information:

Legal Description – Tract 2 (Ex. Tracts A & B & Ex. A 100' Strip Lying Adjacent to Tract A), Anderson's Addition N1/2, Section 10-T102N-R48W

Present Zoning – A-1 Agriculture

Existing Land Use – Crop and Pasture Land

Parcel Size – 141.61 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 3 miles to the north of the Brandon/Corson Interstate Exit and ½ mile west of SD Hwy 11. The property is composed of most of the NE ¼ of section 10. West Pipestone Creek meanders through the middle of the Parcel. The parcel has a driveway that leads to a small grove of trees on the east side. The proposed location of the house will be located further south of the tree grove and along the driveway. The location of the dwelling unit will be in the SW ¼ of the NE ¼ of section 10.

The petitioner intends on living at the location and using it as a center for his farming activities. A farmstead with a Small CAFO is located to the southwest of the proposed site.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area. The area is primarily agricultural land with farmsteads and scattered acreage development. The potential use of the site as a farmstead will unlikely disturb the existing landscape.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Placing this building eligibility at this location does not increase the number of dwelling units allowed in this section. The requested location would be located along a township road in the

center of the section line. Two other residences/farmsteads are already located along this road. The siting of a building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

No other extra utilities or services will be required for this site to utilize the building eligibility. Any water and utilities to be extended from the right-of-way to the dwelling will be at the owner's expense.

4) That the off-street parking and loading requirements are met.

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location along an existing field access will convert little crop land into residential use.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #15-28 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single family dwelling.

PUBLIC TESTIMONY

Kevin Hoekman provided a brief presentation of the staff report with a power point presentation including photos.

Commissioner Steinhauer asked why we are giving the applicant an eligibility. Staff responded that the parcel includes 3 building eligibilities, but the eligibility that the petitioner is requesting to use was designated as requiring a conditional use permit. Staff explained that the conditional use requirement for building eligibilities were often placed on land locked eligibilities and eligibilities that are placed on an odd shaped lot.

Wyatt Sundvold, the petitioner, spoke that he would like to build a shop with an attached two story apartment for him to live in at this site. He stated his intention that this site become the operation for his farm.

Commissioner Cypher commented that this type of structure of a shed with an attached house

should not be allowed in the county. He added that he understood that that the county does not regulate the construction styles of single family dwellings. He included that since this structure is using an eligibility and that the petitioner is actually farming, the request is more palatable.

John Weir, 48255 256th Street, Garretson, noted that his grandfather owns property to south. He stated that he is fine with the proposed dwelling, but he is concerned that the dwelling may affect his temporary cattle storage that he places on the property every year.

Commissioner Barth pointed out that the Right-to Farm Notice covenant is required for the residence, and that this covenant covers normal farming activities that may locate around the property.

DISCUSSION

There was no discussion after closing public testimony.

ACTION

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** Conditional Use Permit #15-28. The motion passed unanimously.

Conditional Use Permit #15-28 – Approved

ITEM 5. CONDITIONAL USE PERMIT #15-29 to allow a Class C Calf CAFO on the property legally described as Tract 2 (Ex. Tracts A & B & Ex. A 100' Strip Lying Adjacent to Tract A), Anderson's Addition N1/2, Section 10-T102N-R48W.

Petitioner: Wyatt Sundvold

Property Owner: Candice Anderson

Location: Approximately 0.5 mile west of South Dakota Highway 11

Staff Report: Kevin Hoekman

This would allow a Class C Calf CAFO (499 Animal Units).

General Information:

Legal Description – Tract 2 (Ex. Tracts A & B & Ex. A 100' Strip Lying Adjacent to Tract A), Anderson's Addition N1/2, Section 10-T102N-R48W

Present Zoning – A-1 Agriculture

Existing Land Use – Crop and Pasture Land

Parcel Size – 141.61 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 3 miles to the north of the Brandon/Corson Interstate Exit and ½ mile west of SD Hwy 11. The property is composed of most of the NE ¼ of section 10. West Pipestone Creek meanders through the middle of the parcel. The parcel has a driveway that leads to a small grove of trees on the east side. The proposed location of the CAFO will be located in the approximate location of the trees as to not unnecessarily take up crop land. The location of the proposed CAFO is outside of the floodplain and the Watershed Protection Overlay District of the creek. The petitioner also intends on living near the operation on the same parcel.

The proposed facility will be 499 animal units which is well under the threshold for a required state permit; although it has been noted that the petitioner is planning on expanding and meeting state mandates to allow for future expansion. As part of meeting state requirement the petitioner is pursuing a 'Certificate of Compliance' with the State DENR. This certificate will show how the facility is in compliance with state regulations to create a quicker permitting process in the future.

The conditional use process includes several applicable requirements to be met as part of the approval process. First, the operator shall maintain inspection and maintenance records on the animal waste facilities, and records on compliance with the waste and nutrient management plan and odor and pest control plan. Copies of records shall be filed annually with the County. A manure management plan is required to show that the application of manure shall meet setback and application requirements.

The facility was noted to be primarily for the raising of bottle feed calves that are counted as one animal unit per calf. The petitioner has submitted a site plan that includes a 60' x 200' calf barn

with a replanted shelter belt of trees on the north and west sides of the facility. The petitioner noted that a manure containment facility will be constructed either to the north or the south of the barn. The manure containment will hold dried pack manure and will use a grass buffer to prevent contamination with the creek. The petitioner has been working with an engineer to find the best solution for manure storage and other site aspects. The operation of the facility will have to comply with the provisions and requirements of the 1990 Minnehaha County Revised Zoning Ordinance.

The petitioner has submitted geotechnical boring report that was accomplished for the site this spring. The test went 51 feet deep and found saturated water at 39 feet. A nutrient management plan was also submitted. The submitted plan used the NRCS worksheet for estimating nutrients. The plan shows that the petitioner has enough land to apply the manure.

The manure will be dry and stored in a concrete containment located either to the north or the south of the barn. The facility will need at a minimum of 270 days of storage capacity for manure. The dry manure can be applied without incorporation when certain conditions apply, but incorporation is the preferred method of application. The submitted manure management plan indicates that the petitioner has access to enough cropland available to apply the manure based on the crop nitrogen needs. Waste application agreement must be submitted for the application of manure on property not owned by the petitioner.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The primary use of property surrounding the dairy operation is agricultural farmsteads and cropland. The setback that is required by the Minnehaha County Zoning Ordinance is 1,100 feet from dwellings, churches, schools, and businesses. The petitioner submitted a document showing that the facility is further than 1,000 feet from the nearest dwelling, and this was confirmed by staff through using MinneMap Application online. The setback map that was created by the Minnehaha County GIS Department used the quarter section as the area of operation for the CAFO. The setbacks on the Minnehaha County map extends beyond the two dwelling units located on the southeast and southwest of the site. Without a signed waiver from these property owners, the petitioner will be required to present new technology, management practices, topographic features, soil conditions, or other factors which substantiate a reduction in the minimum separation requirements. There are a few single family dwellings on acreages a little farther out in the surrounding area, especially to the north along 258th Street.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The construction of this operation will have little effect on the surrounding agricultural production lands. It may even be helpful to nearby agricultural production because of the manure that is produced can be applied onto cropland as an organic fertilizer. The petitioner owns or operates enough acres of crop land to utilize all of the manure that is produced as a result of the dairy operation.

Since this proposal would result in a new facility there is potential for concern by potential buyers and developers may have an effect on the future development of rural single family acreages in the surrounding area. The comprehensive plan does also repeatedly warn against residential development inhibiting the productivity of agriculture within the county.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

The facility is located approximately ½ mile away from SD Highway 11 which places it within close proximity to a major highway for farm to market operation. The facility will likely operate in a similar fashion of any other farm type operation. This means some traffic increase will be expected especially during seasonal operations in the spring and fall.

4) That the off-street parking and loading requirements are met.

The operation is located on a large agricultural site that will have enough space to meet off street parking and loading requirements. Parking and loading in the right of way will not be allowed.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Since this is a proposal for a new facility, there are some possibilities for creating nuisance problems. Of the problems, CAFOs produce odor from the animal and manure facilities. No odor management plan was submitted as a part of this application. The planting of shelterbelts will significantly help with odor control along with incorporating the manure when applied to cropland. It is recognized that in no case, the odor can be completely eliminated.

The petitioner stated that fly control and rendering will be a regular part of operations.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed new CAFO will unlikely cause a significant increase to the public health, safety, and welfare concerns because of the low density of dwelling units in the vicinity. The proposed calf feeding operation will have to comply with the conditions of this permit and the regulations for CAFOs in the Zoning Ordinance for Minnehaha County. These rules and regulations are designed to allow for development while preventing much of the potential harms that a CAFO facility may create. The facility is not required to obtain a State permit; however the state will review the application if Minnehaha County deems state permitting to be necessary.

The proposed CAFO is located firmly within the Commercial Agricultural Area of the 1998 Comprehensive Development Plan. In the description of this designated area, the Comprehensive Development Plan states that the area is “intended to be preserved for farm related use where such activities can freely operate without the need to impose restrictions due to competing uses.” One of the policies of this designated area is to “regulate concentrated animal feeding and processing operations to protect the environmental quality and minimize conflicts with human activities.” The new calf operation will be required to follow county ordinances concerning CAFOs and the listed conditions. With these regulations in place, the proposed new dairy operation works within the directions of the Comprehensive Development Plan

Recommendation:

Staff finds that the proposed CAFO expansion from is an appropriate use within the commercial

agricultural area of the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #15-29 with the following conditions:

- 1.) The facility shall be limited to 499 animal units in size.
- 2.) Copies of the nutrient management plans shall be approved and filed with the Minnehaha County Planning Department on an annual basis.
- 3.) Shelter belt trees shall be planted as proposed on the site plan. In addition shelterbelt trees shall be placed in an approved locations around the manure containment facility. Any dead trees shall be replaced within one season.
- 4.) The shelter belt trees shall be planted utilizing at a minimum Minnehaha County Conservation district standards.
- 5.) An address sign must be purchased at the planning department and placed at the driveway of the facility.
- 6.) The manure storage facility must be in conformance with South Dakota Department of Environment and Natural Resources design standards for any newly constructed waste containment facility. A registered professional engineer shall certify the plan specifications and the construction of the facility.
- 7.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the staff at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 8.) A rendering service must be used to pick up and remove dead animals from the property.
- 9.) The operation shall maintain fly control as to not become a nuisance for neighbors.
- 10.) A building permit is required for all structures prior to construction.
- 11.) That the Planning & Zoning Department reserves the right to enter and inspect the dairy CAFO at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

Kevin Hoekman presented the staff report and provided photos and location maps on a Power Point.

Commissioner Steinhauer asked if the waivers have been obtained or if the petitioner has submitted enough documentation to support the reduction in the setback area for a waiver. Staff responded that the petitioner signified that he was able to obtain the waivers.

Wyatt Sundvold, the petitioner, presented some information about the operation that he is proposing. He started with his plan on building a 60' by 200' pole shed to house bottle feeding calves that each range from 200 to 300 pounds in weight. He added that he has been working with Eisenbraun & Associates to provide engineering for the facility and that he will apply for a State DENR Certificate of Compliance to so that his operation is meeting state requirements. In addition Wyatt stated that he has submitted a manure management plan and that he chose a pole shed design for its versatility if he was to ever stop producing calves.

Commissioner Cypher asked if he is currently raising calves, and if so were the calves in

hutches. Wyatt responded that he was doing just that. Commissioner Steinhauer followed up with a question of asking how he currently has. Wyatt responded with an answer of approximately 300 calves. He brings them in and then in about 9 weeks they are moved out.

The audience was invited to speak on the item.

Darla Nordstrom, 11623 N Hacienda Drive, Sun City, Arizona, as the property owner of the parcel directly to the west of the proposed CAFO. Darla Nordstrom raised concerns about the future development of the property. Commissioner Steinhauer clarified the density zoning regulations for her because of her consideration of subdividing the property. She also raised a concern about the proximity of the CAFO barn to the property line that would make it difficult to build anything on the property. She noted that she would not want to live next to a facility like this. She noted that no matter how much one tries the smell cannot be contained. She added that she was worried that this would affect her ability to sell the property in the future.

Jeff Sorenson, 48186 257th Street, started with a comment that he does not object to normal farming, but this is a feedlot and not a normal permit. Jeff Sorenson's first concern was the real estate values of the dozen homes nearby and eligibilities nearby. He stated that the real estate values would drop approximately \$50,000 when this facility is built. Other concerns included the assurance of location of the building, the potential for contamination of the flood plain with manure application, the location of 9 homes in the half section to the north of the property that may be impacted by south winds carrying odor, the assurance that the size and management is stipulated in the permit, manure application and plan for property south of their land, and finally concluded asking the process of appeal.

Kevin Hoekman of the County Planning Staff was asked to explain some of the ordinance and conditions that pertain to the several of the concerns that Jeff Sorenson including what is an animal unit, what is a CAFO, what is nutrient management plan, and the appeal process. Commissioner Barth added that even after the appeal is heard by the County Commission, the permit can be brought to Circuit Court and on to the Supreme Court.

Wyatt Sundvold returned to rebut that he has no problem with neighbors voicing their opinions. He then pointed out several confinement operation nearby and added that putting his operation under a roof is better for smell, environment, and everybody. Commissioner Cypher then asked where his cows were currently, and Wyatt answered that he has a custom feeding operation in Steen Minnesota.

Commissioner Steinhauer raised a concern of whether the petitioner has met the requirements for a reduction in setbacks for requiring a waiver. He raised the possibility of creating a condition for requiring a waiver. Wyatt noted that he was confident that he could obtain the waivers. Commissioner Steinhauer asked about an odor management plan. Wyatt responded that designing storage and timely applications of manure, and that the calves produce very little manure would keep odor manageable.

Darla Nordstrom returned to ask who investigates the property to ensure that the animals are maintained at the appropriate level. Staff responded that the Planning and Zoning Department

has the responsibility to investigate complaints and make sure the operation complies with the listed conditions.

Commissioner Steinhauer closed the floor to any more public comments.

DISCUSSION

Commissioner Barth stated that he would consider having the waiver as part of the conditions and requested staff to come up with the wording for a condition. Commissioner Cypher added a question as to what is the distance to the closest house. Staff explained that the houses to the north are clearly outside of the setback but the houses to the southeast and southwest of the site are at or very close to the 1,100 foot setback. Commissioner Cypher added that the setbacks are not firm requirements and that the operation is within an enclosed facility so he would not support the additional condition to require waivers.

Commissioner Barth asked staff for a suggestion for a waiver requirement. Staff responded with: The required waivers of the two property owners to the south shall be obtain prior to the issuance of a building permit.

Commissioner Barth motioned that a 12th condition be added stating that; 12.) The required waivers of the property owners of the two dwelling units to the south shall be obtained prior to the issuance of a building permit. Commissioner Randall Seconded.

Commissioner Steinhauer stated that he would add an additional out in the case that one of the property owners decides not to sign the waiver. Commissioner Barth responded that he believes that when the petitioner said he could get the waivers then he can get the waivers.

The motion passed with 3 ayes and 2 nays. Commissioners Cypher and Randall voted nay.

Commissioner Randall commended Wyatt for seeking a State Certificate even though it is not required. And that in the long run a facility like this is good for the environment.

ACTION

Commissioner Barth motioned to approve CUP #15-29 with the following conditions as amended. Commissioner Ode seconded the motion. The motion passed unanimously.

- 1.) The facility shall be limited to 499 animal units in size.
- 2.) Copies of the nutrient management plans shall be approved and filed with the Minnehaha County Planning Department on an annual basis.
- 3.) Shelter belt trees shall be planted as proposed on the site plan. In addition shelterbelt trees shall be placed in an approved locations around the manure containment facility. Any dead trees shall be replaced within one season.
- 4.) The shelter belt trees shall be planted utilizing at a minimum Minnehaha County Conservation district standards.
- 5.) An address sign must be purchased at the planning department and placed at the driveway of the facility.
- 6.) The manure storage facility must be in conformance with South Dakota Department

- of Environment and Natural Resources design standards for any newly constructed waste containment facility. A registered professional engineer shall certify the plan specifications and the construction of the facility.
- 7.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the staff at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
 - 8.) A rendering service must be used to pick up and remove dead animals from the property.
 - 9.) The operation shall maintain fly control as to not become a nuisance for neighbors.
 - 10.) A building permit is required for all structures prior to construction.
 - 11.) That the Planning & Zoning Department reserves the right to enter and inspect the dairy CAFO at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.
 - 12.) The required waivers of the property owners of the two dwelling units to the south shall be obtained prior to the issuance of a building permit.

Conditional Use Permit #15-29 – Approved

ITEM 8. CONDITIONAL USE PERMIT #15-32 to allow a Class B Calf CAFO on the property legally described as the S1/2 SW1/4, Section 17-T101N-R47W.

Petitioner: Selden and/or Brenda Lacey

Property Owner: Selden Ray Lacey

Location: Approximately 2.5 miles southwest of Valley Springs

Staff Report: David Heinold

This would allow a Class B Calf CAFO (1,250 Animal Units).

General Information:

Legal Description – S1/2 SW1/4, Section 17-T101N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 80 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioners are requesting a conditional use permit to construct a Class B Concentrated Animal Feeding Operation, which the narrative indicates that two barns housing up to 1,250 dairy calves are proposed with no outside pens or access. The narrative mentions that there is an undetermined date for construction of the second barn, though the applicants wish to secure approval at this time to plan for the future. The property is located two-and-a-half miles southwest of Valley Springs. There is one existing dwellings within the minimum separation criteria distance of one-half mile, not including the petitioner's residence. The waiver from this property owner has been included for your reference.

The requested CAFO size, 1,250 Animal Units, exceeds the threshold for requirement of state general permit from the South Dakota Department of Environment and Natural Resources (DENR). Since the proposed sites of the two barns are not located over a shallow aquifer, a groundwater discharge permit is not required. However, monitoring may be required if site-specific conditions warrant monitoring to protect localized, shallow groundwater supplies.

The proposed confinement would be constructed in two phases, which consists of 760 head of dairy calves of varying size housed in the west barn and 490 head of dairy calves in the east barn. The barns would be constructed with concrete floors and walls engineered to contain all manure in accordance with Natural Resources Conservation Service and DENR standards. The narrative indicates that the barns will be periodically packed with straw, which will absorb manure and compact to form a solid "pack" on the barn floors over time. Additional storage space within the barns is also designated for storage of excess manure as shown in the attached elevation, and the area immediately behind the feed bunks will be scraped and stored. The site plan currently does not include a landscape plan as the ordinance requires. The barns will be placed to provide proper drainage away from the building perimeters to prevent stormwater contacting manure contained within the barns. The west barn would also have a roofed sorting and receiving area on the south side of the feed lane.

The conditional use process includes several applicable requirements to be met as part of the approval process. First, the operator shall maintain inspection and maintenance records on the animal waste facilities, and records on compliance with the waste and nutrient management plan and odor and pest control plan. Copies of records shall be filed annually with the County. A nutrient management plan is required to show that the application of manure shall meet setback and application requirements. The site is not within a Water Source Protection Overlay District so it will not be required to obtain geotechnical test boring. The provided narrative includes provisions for rendering services. Finally, it is required by the ordinance that a registered engineer approves and inspects the facility before and while the facility is built. This shall be a requirement of the Conditional Use Permit.

A nutrient management plan has been submitted along with the narrative for the proposal. The submitted nutrient management plan indicates that the petitioner has access to enough cropland available to apply the manure based on the crop nitrogen needs. Waste application agreement must be submitted for the application of manure on property not owned by the petitioner.

On May 4, 2015, staff conducted a site visit and determined that the proposed CAFO is a suitable land use in relation to the general nature of the immediate vicinity. A majority of the land near is used in agricultural production; however, there is a small cluster of approximately ten residential homes just over one-half mile to the west on 265th Street.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The primary use of property surrounding the dairy operation is agricultural farmsteads, residential acreages, and cropland. The described approximately 20 acre location of the operation meets the setback requirements for all properties except the single family dwelling to the southwest of the parcel. There are a few single family dwellings on acreages a little farther out directly to the west in the surrounding area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The construction of this operation will have little effect on the surrounding agricultural production lands. It may even be helpful to nearby agricultural production because of the manure that is produced can be applied onto cropland as an organic fertilizer. The petitioner owns or operates enough acres of crop land to utilize all of the manure that is produced as a result of the dairy operation.

Since this proposal would result in a new facility there is potential for concern by potential buyers and developers may have an effect on the future development of rural single family acreages in the surrounding area. The comprehensive plan does also repeatedly warn against residential development inhibiting the productivity of agriculture within the county.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

The proposed location for the dairy operation is located a little over a mile from County

Highway 109. The petitioner intends on extending rural water and other utilities to the facility.

4) That the off-street parking and loading requirements are met.

The operation is located on an approximately 20 acre site that will have enough space to meet off street parking and loading requirements. Parking and loading in the right of way will not be allowed.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Since this is a proposal for a new facility, there are some possibilities for creating nuisance problems. Of the problems, dairy operations primarily produce odor from the animal and manure facilities, and dairies increase traffic and workers that may increase the amount of dust created from the roads. The submitted narrative does not include any mention of an odor management plan or utilizing dust control methods on the township roads. Despite low densities of single family dwellings, certain odor control measures should be a part of an operation of this size. The planting of shelter belt trees will significantly help with odor control, and considerations should be given to other odor control alternatives. It is recognized that in no case, the odor can be completely eliminated.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed new dairy operation will unlikely cause a significant increase to the public health, safety, and welfare concerns because of the low density of dwelling units in the vicinity. The proposed dairy operation will have to comply with the conditions of this permit and the regulations for CAFOs in the Zoning Ordinance for Minnehaha County. These rules and regulations are designed to allow for development while preventing much of the potential harms that a CAFO facility may create.

The proposed CAFO expansion is located firmly within the Commercial Agricultural Area of the 1998 Comprehensive Development Plan. In the description of this designated area, the Comprehensive Development Plan states that the area is “intended to be preserved for farm related use where such activities can freely operate without the need to impose restrictions due to competing uses.” One of the policies of this designated area is to “regulate concentrated animal feeding and processing operations to protect the environmental quality and minimize conflicts with human activities.” The new dairy will be required to follow county ordinances concerning CAFOs and the listed conditions. With these regulations in place, the proposed new dairy operation works within the directions of the Comprehensive Development Plan.

Recommendation:

Staff found that the proposed CAFO expansion from is an appropriate use within the commercial agricultural area of the comprehensive plan. Staff recommended **approval** of Conditional Use Permit #15-32 with the following conditions:

- 1.) The facility shall not exceed 1,250 animal units in size.
- 2.) Copies of the nutrient management plans shall be approved and filed with the Minnehaha County Planning Department on an annual basis.
- 3.) Approval must be obtained by the township for the construction of the new road access.
- 4.) An address sign must be purchased at the planning department and placed at the driveway of the facility.
- 5.) The roofed sorting and receiving area must be in conformance with South Dakota Department of Environment and Natural Resources design standards for any newly constructed waste containment facility. A registered professional engineer shall certify the plan specifications and the construction of the facility.
- 6.) A landscaping plan shall be submitted to the Planning Department consisting of shelter belt trees on the north and west sides. Any dead trees shall be replaced within one season.
- 7.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the staff at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 8.) All driveways, parking, and loading areas within the site must comply with minimum standards that are listed in Section 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 9.) A rendering service must be used to pick up and remove dead animals from the property.
- 10.) A building permit is required for all structures prior to construction.
- 11.) That the Planning & Zoning Department reserves the right to enter and inspect the CAFO at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

Staff presented a brief overview and the analysis of the conditional use permit request for a Class B Calf CAFO. Commissioner Randall asked whether the word dairy should be removed from the conditions of approval because it had not been mentioned in the petitioners' narrative. Staff clarified that it should just read CAFO site in the conditions.

Brian Donahoe, Donahoe Law Firm, indicated that he represents Brenda and Selden Lacey. Mr. Donahoe concurred that the word dairy should be struck from conditions #8 & #11. Brenda Lacey noted that they are seeking a conditional use permit for the operation because they do not have a lot of space on their personal property, and move calves inside away from outside stress.

He also mentioned that the applicants would not have any employees other than themselves in order to maintain a family-owned operation.

Commissioner Steinhauer asked how many calves they currently have on their property. Mrs. Lacey indicated that they currently have about 240 calves in hutches and are raised to 200-300 pounds, then shipped off to another operation.

Mr. Donahoe provided clarification on the staff report in that the applicants are requesting a conditional use permit to move the calves under a roof in a confined building to specifically capture the value in the manure produced. He proceeded to mention that the applicants have been working with the Natural Resources Conservation Service (NRCS) on their nutrient management plan and other applicable regulatory guidelines to ensure that the amount of nutrient loss from the operation is held to a minimum so that it can be used for value on the farm. He also noted that the applicants do not plan to immediately build both of the barns, but it is their intention to address all of the concerns and issues regarding the proposed CAFO.

Commissioner Steinhauer asked for clarification on what was meant by an enclosed shelter for the animals. Mr. Donahoe explained that the animals will stay and be fed in the facility along with scraping and storage of manure for fertilizer use. He proceeded to mention that the entire operation will be enclosed within the barns. Mrs. Lacey explained that everything will be under the roof in accordance with the NRCS standards and regulations. She continued to mention that the barn will contain a divider wall between where the animals eat and the bedding pack so that the looser manure will be cleaned out fairly regularly. There will be no potential for surface water runoff contamination because everything is stored under the roof where the rainwater cannot penetrate. They feel the extra space is needed to accommodate the dairy expansion on the farm that the calves will be sent to.

Commissioner Cypher asked the petitioner if the building would be the standard 50-foot monoslope building and Mrs. Lacey concurred. Mrs. Lacey also noted that the proposed building will include separate areas for receiving and working space as a convenience factor for both the operator as well as the animals. Mr. Donahoe indicated that there are also biosecurity and hygiene enhancements, and Mrs. Lacey explained that a special product will be sprinkled on the manure to help with composting as well as fly and odor control.

Brian Frederickson, Registered Engineer with Dakota Environmental, explained that he has been working on preparing regulatory documents for the applicant. Mr. Frederickson also noted that the petitioners have been working with the NRCS and DENR throughout the entire process in order to meet the regulations for CAFOs. He added that one of the major goals of the NRCS is to move open feedlots under a roof and within a building. In this instance, there are multiple layers of control for the proposed Class B CAFO.

Mr. Frederickson provided some further clarification on the ArcView mapped setbacks for the minimum separation criteria from the residential dwellings in the vicinity that are relatively accurate in determining that the proposed calf barns meet the setbacks set forth in the zoning ordinance. He added that the petitioners plan to phase in the barns with an undetermined date of construction on the easternmost barn. He also noted that it is important to keep in mind that the setback distance from residential dwellings would be about 1,500 feet for a Class C CAFO, which is the range for the requested number of animal units proposed for the west barn.

Jill Kiefer, 48531 264th St., indicated that she lives on a 121 year old, fourth generation farmstead that is located approximately one-half mile to the north of the proposed CAFO. Mrs. Kiefer indicated that she was horrified when receiving the letter for a Class B Calf CAFO. She proceeded to mention that this is very concerning and hopes that questions can be answered concerning this type of development. She posed multiple questions including but not limited to the measures to be taken to contain odor, the location of where the animals will be, maintenance, noise, environmental, impact on property values, and enforcement of regulations.

Mrs. Kiefer is concerned that neighbors will not be able to enjoy fresh air because of the flies, bacteria, and disease as a result of the proposed CAFO. She would like to protect the wonderful nature of the generational farmhouse that has been in the family for 121 years. She added that they do not believe that the applicants are being very neighborly, and also indicated that neighbors feel like they have been blindsided by this request that should be delayed to review the proposed CAFO.

Michael Jeanson, 48665 264th St., mentioned that he is primarily concerned with the impact to the township and county roads. He added that the average cow drinks 10 gallons per day and that is a lot of demand if the petitioner plans to hook up to rural water. He continued to explain that a fully enclosed animal confinement operation will only limit odor, not completely remove because it is manure. He mentioned other concerns regarding methane gas buildup, issues with using the special product on the manure, and that the proposed size is too large for the area.

Bart Trevillyan, 48427 264th St., is concerned about the odor, impact on property values, and traffic in the area. Mr. Trevillyan added an additional concern about the general evaluation of what will be a large operation in area that consists of many residential acreages. He asked what type of feed will be involved in the operation and Mrs. Lacey indicated that pellets will be used.

Commissioner Steinhauer asked if Mr. Trevillyan is a farmer and Mr. Trevillyan indicated that he has been an acreage resident for 40 years.

Steve Lambertz, 48439 264th St., indicated that he is mainly concerned about pollution from the proposed CAFO site into Four Mile Creek, which runs into Beaver Creek near the Beaver Creek Nature Area. Mr. Lambertz indicated that the road conditions in the area are not suitable for a semi-load of cattle because of the narrow corners and soft edges. While he commends the petitioners' efforts to control runoff, he doesn't doubt that with a leak in the building there will be a thousand gallons of raw sewage emptying into the creek.

Chris Larson, 26384 485th Ave., mentioned that he is concerned about the impact the proposed operation will have on people wanting to move out to the rural area. Mr. Larson reiterated that he has some of the similar concerns as other neighbors, but he believes there should be consideration of the impact on the existing residential homes within one mile of the subject parcel. He added that in the future there will be more growth, more people and the proposed facility will definitely bring property values down. He continued to explain that nobody can make the case that property values would increase, not smell, improve the air quality, or would want this type of facility within one mile of their house.

Mr. Donahoe asked Commissioner Steinhauer if he could call a few proponents to present their comments to the planning commission and was allowed to call Walt Bones to the podium.

Walt Bones indicated that he has known the Lacey family for a long time and expressed that he believes that they epitomize what we want to see with agriculture. Mr. Bones added that this is a multi-generational family farm, and explained the difficulties with the ability for young kids to break into farming. He commended the petitioner for going above and beyond the additional regulations that agricultural producers face in incorporating practices into operations. He reiterated that this is the first step in a process which will be heavily scrutinized by state and, potentially, the county. He commended the efforts of the DENR office staff as well as the county in reviewing and updating the comprehensive plan over the past couple of years. He believes that it is in this process that the setbacks are derived from public input.

Mr. Bones believes that this project meets all of the requirements set forth in the zoning ordinance and should be approved with all of the above conditions. He also added that a young calf produce a much different manure, nutrient output than an adult cow eating one hundred pounds per day, but it is unfortunate the law states that each of those is an animal unit.

Rob Kiefer, 48531 264th St., indicated that there should be consideration as to what can occur on this feedlot if it were transition from calves today into cows tomorrow on the subject parcel. Commissioner Steinhauer explained that the number can only correspond with the number of animal unit calculations in the chart within the zoning ordinance. Mr. Kiefer is concerned about the number of animal units that would be allowed on the feedlot. He added that he is also concerned about the smell of the proposed facility with just a couple of trees around the barns and gave an example of the Morrell's smell from the I-229 area.

Commissioner Cypher asked the petitioner for clarification if the facility would utilize true compost or a bedded pack system. Mrs. Lacey indicated that it would consist of bedded pack.

Commissioner Ode asked the petitioner if they plan to breed heifers in the proposed barns. Mrs. Lacey explained that they do not plan on it right now, but maybe in the future.

Mr. Donahoe reiterated that the reason why the petitioners are utilizing a bedded pack system is because there will be more turnover with the calves. He added that the petitioner does not intend to change the type of facility to ensure that they have better buffers from their setbacks, which means that they will not want to start composting because of the more specialized type of barns.

Mr. Frederickson explained the odor modeling handout distributed to the planning commission that was prepared by South Dakota State University, which calculates a distance at which no annoying odor will be noticed. He noted that the distance at which there would be no annoying odor 99% of the time would be 2,800 feet from the proposed west barn in the direction of a prevailing wind. The east barn produced a similar analysis from the odor modeling tool. He noted that scenarios were calculated with the addition of the landscape buffer around the north and west sides.

Mr. Frederickson reiterated for clarification that the proposed CAFO will utilize a solid manure

handling system, no liquids. He continued to explain that there will be no lagoon or holding tank that would be subject to a catastrophic failure resulting in a large liquid release, which is not a concern with the proposed operation because there is only solid manure. The manure is contained under a roof; therefore, no stormwater will be in contact with it causing runoff from the site.

Commissioner Steinhauer asked if 97% meant 97 days out of 100 and Mr. Frederickson concurred. Commissioner Cypher asked if the wind rosette scenario was included in the analysis and Mr. Frederickson explained that it was included as part of the worst case scenario projections highlighted in the provided calculations.

Mr. Donahoe reiterated that the petitioners have met the setback requirements as stated in the zoning ordinance and he believes that this is rare circumstance in that they are able to use their own land for expansion to benefit the family farm and increase the values in the surrounding area for neighbors. On behalf of the applicants, he requests that the conditional use permit request be approved with the word “dairy” removed from conditions #8 & #11.

Commissioner Steinhauer closed the floor to public testimony.

DISCUSSION

Commissioner Barth made a motion to remove the word “dairy” from conditions #8 & #11 and seconded by Commissioner Randall. The motion passed unanimously.

Commissioner Cypher indicated that he lives one-third mile from a fat cattle operation and it smells twice a year when it is cleaned out and it is expected that there will be certain smells. In addition, Commissioner Cypher indicated that he also has another 250 animal unit operation a half mile away and he never knows what is going on over there. He pointed to the fact that with confined animal feeding operations as large as the requested size if you can smell the operation, then you have dead calves and you are not going to be in business long.

Commissioner Cypher moved for approval with the conditions as amended on the grounds that the applicant has state permitting, the cows will be inside, the manure is never flushed away, and that it is definitely improving the family operation. He also added that he is more concerned with his neighbor’s dog than with the nearby feedlot.

Commissioner Barth provided a few comments that this is a common problem among landowners in the county because agriculture is changing and that every new home diminishes farm possibilities. He added the fact that we need food, the property is zoned agriculture, and that the rural area will not stay the same.

Commissioner Randall concurred and Commissioner Ode commended the petitioners’ efforts.

ACTION

Commissioner Cypher made a motion to **approve** Conditional Use Permit #15-32 with the following amended conditions. The motion was seconded by Commissioner Barth. The motion passed unanimously.

- 1.) The facility shall not exceed 1,250 animal units in size.
- 2.) Copies of the nutrient management plans shall be approved and filed with the Minnehaha County Planning Department on an annual basis.
- 3.) Approval must be obtained by the township for the construction of the new road access.
- 4.) An address sign must be purchased at the planning department and placed at the driveway of the facility.
- 5.) The roofed sorting and receiving area must be in conformance with South Dakota Department of Environment and Natural Resources design standards for any newly constructed waste containment facility. A registered professional engineer shall certify the plan specifications and the construction of the facility.
- 6.) A landscaping plan shall be submitted to the Planning Department consisting of shelter belt trees on the north and west sides. Any dead trees shall be replaced within one season.
- 7.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the staff at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 8.) All driveways, parking, and loading areas within the site must comply with minimum standards that are listed in Section 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 9.) A rendering service must be used to pick up and remove dead animals from the property.
- 10.) A building permit is required for all structures prior to construction.
- 11.) That the Planning & Zoning Department reserves the right to enter and inspect the CAFO at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.

Conditional Use Permit #15-32 – Approved

ITEM 9. CONDITIONAL USE PERMIT #15-33 to exceed 1,200 square feet of total accessory building area – requesting 6,000 sq. ft. on the property legally described as Tract 1 KB Ridge Estates Addition, SE1/4, Section 4-T102N-R49W.

Petitioner: Troy & Sara Nothdurft

Property Owner: same

Location: Approximately 3.5 miles north of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 6,000 square feet of total accessory building area.

General Information:

Legal Description – Tract 1 KB Ridge Estates Addition, SE1/4, Section 4-T102N-R49W

Present Zoning – A-1 Agriculture

Existing Land Use – Open Field

Parcel Size – 7.42 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately one mile north of the Renner Corner on the northwest corner of SD Highway 115 and 257th Street. The recently platted lot is located across the street from a subdivision of five lots around a cul-de-sac. None of the lots in this subdivision have yet been developed for residential use. In subdivisions or residential developments which exceed four lots in size, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 60' x 100' accessory building for personal storage and use. The total proposed building size for the property is 6,000 square feet. Submitted plans show the location of the proposed building in the southwest corner of the lot while the house is to be centrally located. The property is over 7 acres in size which provides plenty of space for accessory buildings and dwellings on the site. The site is currently unscreened and has no trees.

The surrounding residential area has not been developed into dwellings yet. A nearby residential site located to the southeast includes 3,360 square feet of accessory building that was constructed prior to plat approval for the subdivisions. Approximately ¼ mile to the northeast of the site is an 18,720 square foot structure that was built for a riding arena and horse stabling. This riding arena is located on nearly 80 acres of contiguous land ownership and it was approved through a conditional use permit. The purpose/use of the over 18,000 square foot structure is very different in nature than this proposed accessory building for personal storage.

Conditional Use Permit Criteria:

1) **The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The large size of the building may have a minor adverse effect on the character of the neighborhood, so steps should be taken to minimize this possibility. These steps may include landscape requirements and access management. The accessory structure shall not be used as a commercial operation at any time. The personal use of this building should not increase traffic in and out of the site.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. The area is mostly undeveloped which may lead to other dwelling units in the area to request similar large structures. The proposed accessory building will likely set a precedent for future accessory buildings in the area.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

All needed infrastructure is in place. Access should be set back away from the intersection as far as possible/reasonable. Since this is an undeveloped lot consideration should be given to limiting access to one driveway as to not create problems with access management. No other new infrastructure is required.

4) That the off-street parking and loading requirements are met.

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed at any time.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few problems to neighboring properties.

Recommendation:

Staff finds that the proposed accessory building is an acceptable use within the A-1 Agricultural district. Staff recommends **approval** of Conditional Use Permit #15-33 with the following conditions:

- 1.) The building permit for the accessory building shall not be obtained until the permit for the dwelling unit is obtained first.
- 2.) The total accessory building square footage shall not exceed 6,000 square feet.
- 3.) A row of trees spaced at a minimum of 20' apart shall be planted on the west, north, and east side to assist in screening the view of the building from the right-of-way. Trees should be planted within one year from an approved building permit and dead trees shall be replaced within one year. Consideration for driveway location will be given for spacing of the trees.

- 4.) The accessory building shall be placed according to the submitted sight plan.
- 5.) A building inspection is required to determine that the building does not exceed 6,000 square feet measured from the outside perimeter.
- 6.) The building shall be an accessory use to the continued use of the property as a residential lot.
- 7.) Only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 8.) All outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 9.) A building permit is required prior to construction of the accessory building.
- 10.) The property shall utilize only one driveway for the accessory building and the attached residential garage. The driveway must be permitted by Mapleton Township.
- 11.) The building shall be painted or colored in a similar tone as that of the house as to not call undue attention to the size of the building.
- 12.) The Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

Kevin Hoekman presented the staff report with a brief Power Point presentation.

Commissioner Steinhauer raised a question to staff about the appropriate naming of the building as an “ag building”. Staff responded that stating ag building was a mistake, and that the building would be used and classified as a residential accessory building.

Commissioner Cypher asked if a house is located on the site and why are we approving the permit without a house on the site. Staff responded that the petitioner plans on building the house, and condition number 1 requires a building permit for the house prior to the building permit for the accessory building to be obtained.

Commissioner Barth asked how many building eligibilities are on the site. Staff responded that there is only one eligibility on the site.

Commissioner Randall pointed out that one of the conditions is that the accessory building should be painted in a similar color to the house. She questioned the possibility that the house may be painted a not appealing color and therefore the building could be the same.

Commissioner Barth asked about the location of the property in relation to a hill going into the Renner where there was concerns about the speed of traffic. Staff responded that the hill that was referred to is not far to the south of this site.

Stacy Hennen, an attorney who represented the petitioners, spoke about the proposed building. She stated that the petitioner has purchased the property and plans on building a dwelling on the site. She added that it was recommended to the petitioner that they apply for the conditional use permit now so that they can build the house and the accessory building at the same time and not

have to wait for the planning commission meeting.

Commissioner Steinhauer asked for clarification of the materials, height and the use of the building. Stacy Hennen responded that it will be a pole shed construction that would be painted with a complimentary color as to the house. She added that they are aware of the restrictions that are requested by the county, and the use of the building is for personal storage of vehicles and antique tractors. She included that she thought that this building was pretty large but when looking at the area she thought that this size of large building is becoming a trend. Commissioner Steinhauer explained that allowing such a large building is often a concern for the county for operating businesses out of buildings and whether allowing large buildings or outdoor storage is better for the county.

Commissioner Barth reiterated the concern for the potential use of the structure for commercial business, and asked for assurance that this would not be used for a business. Stacy Hennen pointed to the conditions of the permit and her experience with the family as assurance for not having a business.

Commissioner Cypher noted that this building would set the precedent for every neighbor in the development who wants a large accessory building. Commissioner Steinhauer added that the ordinance targets buildings larger than 1,200 square feet and this request is for a structure five times the size.

DISCUSSION

Commissioner Cypher motioned for approval of Conditional Use Permit #15-33. Commissioner Duffy seconded.

Commissioner Barth commented that he would not support the motion because of the precedent the building would set.

Commissioners Duffy and Ode commented that they too were concerned about the large nature of the request.

Commissioner Steinhauer called on a vote for the motion to approve Conditional Use Permit #15-33. The vote was 1 aye and 4 nays, and the motion failed. Commissioners Duffy, Randall, Ode, and Barth Voted Nay.

Commissioner Steinhauer raised the point that they could take subsequent action because otherwise it would take 6 months before the petitioner could submit another application. Staff suggested to use the neighboring 3,360 square foot structure as the precedent for the area.

A subsequent motion was made by Commissioner Barth to approve Conditional Use Permit #15-33 with amending the conditions that the accessory building not to exceed 3,400 square feet. Commissioner Ode seconded the motion. The motion was approved unanimously.

ACTION

A motion was made by Commissioner Barth to approve Conditional Use Permit #15-33 with the

following amended conditions. Commissioner Ode seconded the motion. The motion was approved unanimously.

- 1.) The building permit for the accessory building shall not be obtained until the permit for the dwelling unit is obtained first.
- 2.) The total accessory building square footage shall not exceed 3,400 square feet.
- 3.) A row of trees spaced at a minimum of 20' apart shall be planted on the west, north, and east side to assist in screening the view of the building from the right-of-way. Trees should be planted within one year from an approved building permit and dead trees shall be replaced within one year. Consideration for driveway location will be given for spacing of the trees.
- 4.) The accessory building shall be placed according to the submitted sight plan.
- 5.) A building inspection is required to determine that the building does not exceed 3,400 square feet measured from the outside perimeter.
- 6.) The building shall be an accessory use to the continued use of the property as a residential lot.
- 7.) Only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 8.) All outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 9.) A building permit is required prior to construction of the accessory building.
- 10.) The property shall utilize only one driveway for the accessory building and the attached residential garage. The driveway must be permitted by Mapleton Township.
- 11.) The building shall be painted or colored in a similar tone as that of the house as to not call undue attention to the size of the building.
- 12.) The Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Conditional Use Permit #15-33 – Approved

ITEM 10. CONDITIONAL USE PERMIT #15-34 to allow a salvage/ junkyard/ storage operation on the property legally described as Lot 3A Block 2 Brower 2nd Addition, SW ¼ Section 27-T102N-R51W.

Petitioner: Scott Nisich

Property Owner: Leonard Wollman

Location: 46333 Jeffrey Avenue, Approximately ¼ miles south of Hartford

Staff Report: Kevin Hoekman

This would allow a junkyard/salvage operation.

General Information:

Legal Description – Lot 3A Block 2 Brower 2nd Addition, SW ¼ Section 27-T102N-R51W

Present Zoning – I-1 Light Industrial

Existing Land Use – junk yard

Parcel Size – 1.54 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The site is located at 46333 Jeffrey Street on the south side of the Brower addition industrial park. The site is the last platted lot on the southeast side. More industrial zoned land is available for future development to the east and agricultural crop/pasture land is located to the south. Five single family dwellings are located within 900 to 1,500 feet of the site's south property line.

The site is currently used as a salvage/junkyard. A large hoop structure is located on the property and the east and south property lines have thick planted trees along them. The neighboring property to the west has a six foot tall privacy fence that borders the west side of the subject property. The north side of the property has a 6-7 foot chain link fence that provides no visual barrier to the site.

The petitioner is requesting to operate a salvage/junkyard operation on the site. The submitted narrative and several conversations with the petitioner indicate that the business and site is primarily used as a temporary storage area to hold purchased vehicles temporarily until steal prices rise. At that point the vehicles are shipped out for scrap metal sale elsewhere.

In January of 2015 an ordinance text amendment was passed to allow a salvage/junkyard in the I-1 Industrial zoning district as a conditional use. The amendment better aligned the County Ordinance with the Joint Jurisdiction Ordinance with Sioux Falls. One difference is that a junkyard in the Joint Jurisdiction area is required to have a solid fence around the entire property and the County Ordinance does not have this requirement.

No mention was made in the narrative of hours of operation or customer/employee presence on the site. The narrative implies that there will be no customers on the site.

Staff contacted the SD Department of Environment and Natural Resources (DENR) with

inquiries for Salvage yard permits. The DENR responded that there is not specific permit requirements for salvage yards, and included that much of the concerns about pollution from salvage type operations have subsided because of the prohibition of leaded gasoline and the fact that waste oil still has a value other than dumping it or burning it. This conditional use permit should addresses environmental concerns such as fluid dumping and burning of materials.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The operation of a salvage/junkyard poses some concerns for neighboring properties. The unsightliness of the operation was the primary concern that triggered a nuisance complaint on the property in the fall of 2014. Visual barriers such as an opaque fence shall be placed where there are none so that the clutter that is associated with a junkyard operation will not harm the aesthetics and future development of the area.

The operation uses trucks and trailers to haul vehicles to and from the site, and it is known that the condition of the roads in the development are questionable. The road district will have to decide the best course of action to maintain the roads as development continues in the Brower addition.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

This site is located within a well-established industrial subdivision. Many businesses in the area are industrial type uses with some screened outdoor storage and warehouses. This land use will unlikely alter the future development of the industrial park.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

Access will be provided off of Jeffery Street which is the only entrance/exit for the Brower Addition. The first ¼ mile of Jeffery Street has a gravel surface, while the portion of Jeffery Street in front of the proposed junkyard is hard surfaced with asphalt. The County Ordinance requires that “Any driveways, parking lots, or loading/unloading areas in a commercial or industrial zoning district shall be constructed with a hard surface when the property is accessed from a hard surface road.” The ordinance does allow some exceptions for this requirement for truck terminals, construction yards, and similar establishments if the lot is screened from view of the public right-of-way. There is no such exception for the driveway in order to best protect the public right-of-way from debris carried off the site. This requirement should be enforced whether this CUP is approved or not because it is part of the County Ordinance.

All other necessary utilities are present on the site.

4) That the off-street parking and loading requirements are met.

The site plan does not include any parking for employees or visitors. The facility will have to provide 2 parking spaces for every 3 employees. These spaces can be provided within the existing building on the site. The driveway will have to be hard surfaced according to Article 15 of the 1990 Revised Zoning Ordinance for Minnehaha County; however, much of the area can be

considered maneuvering area for heavy equipment and storage. The remaining driveways and storage area will have to be gravel surfaced. No parking or loading shall take place in the Jeffery Street right-of-way at any time.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

No offensive nuisances shall be permitted at any time during operation of the salvage yard. Screening the property will be the best way to limit aesthetic problems of the operation. Limiting the stacking height of vehicles and scrap piles to less than the height of the fence will help to maintain the appearance of the property. To limit the potential noise issues, crushing, dismantling, and similar type activities should be limited unless the activity takes place within an enclosed building. The use of outdoor lighting should be directed downward on to the property in order to prevent light pollution off site.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The day to day operation of the proposed land use will have a minimal effect on the health, safety and general welfare of the public.

This proposed salvage yard is within an existing I-1 Industrial zoning district that has been established as an industrial park because of its proximity to the Interstate intersection. The comprehensive plan recognizes that industrial and commercial type growth will and should be encouraged to locate near these types of intersections.

Recommendation:

Staff finds that the proposed salvage/junkyard is a reasonable use of the land within an I-1 Industrial zoning district. Staff recommends **approval** of Conditional Use Permit #15-34 with the following conditions:

- 1.) No direct sales to customers shall occur on the property including but not limited to vehicles and parts.
- 2.) All fluids and waste materials shall be stored in enclosed containers and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) A 6 foot opaque fence shall be placed along the entire north and south property lines. A 6 foot opaque fence shall be erected within three months of the trees being removed on the east side and/or the neighboring fence is removed on the west side of the property.
- 4.) No stacking or piling of vehicles, materials, parts, and similar items higher than 6 feet tall from the ground.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the any building, structure, or sign.
- 7.) The driveway and employee parking shall be hard surfaced according to Article 15 of the 1990 Revised Zoning Ordinance for Minnehaha County. The hard surfaced driveway shall be at a minimum starting at the south side of Jeffery Street and

- extending 20 feet beyond the required fence.
- 8.) No loading or unloading shall take place in the right-of-way at any time.
 - 9.) Operating hours shall be limited to 7:00 am to 8:00 pm Monday through Saturday and 9:00 am to 6:00 pm on Sunday. Except work that takes place entirely within an enclosed structure.
 - 10.) The operator shall allow unrestricted entry upon demand during regular business hours for inspection by the state of South Dakota, Minnehaha County, and local fire department officials.
 - 11.) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance

PUBLIC TESTIMONY

Kevin Hoekman presented the staff report with a Power Point.

Commissioner Barth asked if staff has visited the site and checked on the possibility of polluting liquids from vehicle spilling on the ground. Staff responded that no specific liquids were found on the site but several storage containers were found that may be storing fuels or oils.

Commissioner Randall raised a concern about the conditions of the roadway of Jeffery Street. Staff pointed out where the pavement starts at the beginning of Brower 2nd Addition. Commissioner Randall clarified the question by asking if the roadway will be able to handle the additional traffic. Commissioner Barth pointed out that there will not be any additional traffic because the operation has been working for several years.

Scott Nisich, the petitioner, spoke about his petition. He started with noting that there is only one property that has blacktop on it at this time. He added that he should not be made to spend \$20,000 to pave his driveway when everybody else does not pave their driveways. Scott Nisich stated that the requirement to pave his driveway is his only concern about the conditions for approval.

Commissioner Steinhauer asked about the type of fence the petitioner was planning to put up. The petitioner explained that he was going to put up steel panels along the existing fence. Commissioner Steinhauer added that he would like to add the stipulation that the fence be earth tone colors.

Monte Muchow 306 Emma Drive, Hartford, spoke on the petition. He noted that he delivers mail to the area and the roads are truly in bad condition. He asked who is supposed to maintain the roads. Commissioner Barth explained that a road district is supposed to maintain the roads. He added that if the roads were fixed this development would be a jewel of county commercial development.

DISCUSSION

There was no further discussion beyond the motion

ACTION

A motion was made by Commissioner Barth to approve Conditional Use Permit #15-34 with conditions. Commissioner Cypher seconded the motion. The motion was approved unanimously.

Conditional Use Permit #15-34 – Approved

ITEM 11. ENVISION 2035 COMPREHENSIVE PLAN ADOPTION

Petitioner: Planning Staff

Staff Report: David Heinold

This would allow adoption of the Envision 2035 Comprehensive Plan and supersede the 1998 Comprehensive Development Plan.

Staff Report: David Heinold

Staff Analysis:

On December 27, 2011, the Minnehaha County Commission approved a fourteen member task force to assist the Planning Department in developing a plan by hosting visioning sessions and public meetings throughout the rural area of the county. The task force is made up of rural residents, business owners, and agricultural producers living in all areas of the County. In addition to the task force an advisory board was set up consisting members in local, regional, and state governments as well as large industry representatives.

On January 19, 2012, planning staff introduced the comprehensive planning process to the task force, advisory board, and public citizens met monthly throughout the year. Four public open houses were held at locations throughout the county in the second half of the year to collect input from the public. In 2013, three task force meetings were scheduled for every other month. Planning staff spent the next year developing a comprehensive plan draft document for review by the task force in early October 2014. A community workshop was also held during this month at the Humboldt Community Center to solicit feedback on the draft chapters of the plan from public citizens. Two additional task force meetings were held in the months following this open house as well as intermittent email correspondence from committee members with comments on the plan, then staff began preparing draft plan incorporating the input received over the course of the last few months.

On March 24, 2015, a public open house was held at West Central High School to collect input on a draft document that was available for review during this meeting. In addition, planning staff prepared seven informational boards were on display showcasing highlights of the plan. Staff began updating the draft plan with the addition of public comments and suggestions; and discussed a plan summary as a preliminary review, new business item, at the April 27, 2015 Planning Commission meeting to determine the next step in the planning process. The task force, advisory board, and members of the public were invited to present comments at this meeting for consideration in Envision 2035 Comprehensive Plan.

On April 29, 2015, staff published notice of the public hearing for the May 18 County Planning Commission meeting regarding the adoption of the Envision 2035 Comprehensive Plan in the county newspaper publications. Staff prepared a copy of the Plan with revisions and made available the Plan in the Office of the County Auditor as well as on the Envision 2035 webpage on the Minnehaha County website for viewing by members of the public.

In addition, staff sent a copy of the draft plan to the office of the Minnehaha County States' Attorney for their review of the document.

Recommendation:

Staff finds that the process has identified a general consensus among members of the public and plan committee members that there should be a strong focus on supporting agricultural preservation and local producers in order to maintain a high level of efficiency as the state's leading agricultural producer. Staff recommends **adoption** of the Envision 2035 Comprehensive Plan.

PUBLIC TESTIMONY

David Heinold, County Planning staff, presented a brief Power Point presentation of the comprehensive plan, the process going forward to approval, and continuing opportunities for public engagement. The Planning Commissioners expressed favorable opinions of the work that they have seen in the comprehensive plan draft.

Commissioner Steinhauer called for public comment or planning commissioner discussion. Commissioner Duffy expressed gratitude toward the Planning Department attending the Split Rock Township meeting to give a brief overview of the Envision 2035 Comprehensive Plan and will be posting the information regarding the Plan as well as how members of the public can access it. Commissioner Cypher added that it truly will be a challenge to manage the dynamic growth and development of the area in which we live to maintain a high quality of life for Minnehaha County citizens.

ACTION

Commissioner Randall made a motion to **recommend adoption** of the Envision 2035 Comprehensive Plan and seconded by Commissioner Duffy. The motion passed unanimously.

ENVISION 2035 COMPREHENSIVE PLAN – Adoption Recommended

Old Business

None

New Business

None.

County Commission Items

None

Adjourn

A motion was made by Commission Cypher and seconded by Commissioner Duffy to **adjourn**.
The motion passed unanimously.