



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
April 23, 2018

A meeting of the Planning Commission was held on April 23, 2018 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Mike Ralston, Adam Mohrhauser, Doug Ode, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Donna Kelly – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:17 p.m.

Consent Agenda

Planning staff requested item 5 to be removed from the consent agenda. Commissioner Duffy Read each item of the consent agenda, and item 7 was requested to be moved to the regular agenda for discussion.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 4, and 6 by Commissioner Barth and seconded by Commissioner Mohrhauser. The motion passed unanimously.

ITEM 1. Approval of Minutes – March 26, 2018

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from March 26, 2018. The motion passed unanimously.



ITEM 2. CONDITIONAL USE PERMIT #18-17 to allow Contractor’s Outdoor Storage on the property legally described as Lot 3B and Lot 3, Block 1; all in Green Valley Addition, NE1/4, Section 12-T102N-R50W.

Petitioner: I-29 Brick Company Inc. (George Birmingham)

Property Owner: TFR Leasing (Tim Ramstad)

Location: 47167 Haylie St.
Crooks

Approximately 1.5 miles east of

Staff Report: David Heinold

This would allow Contractor’s Outdoor Storage.

General Information:

Legal Description – Lot 3B, Block 1 and (Ex. Lot 3A) Lot 3, Block 1; all in Green Valley Addition, NE1/4, Section 12-T102N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Warehousing

Parcel Size – 4.25 Acres

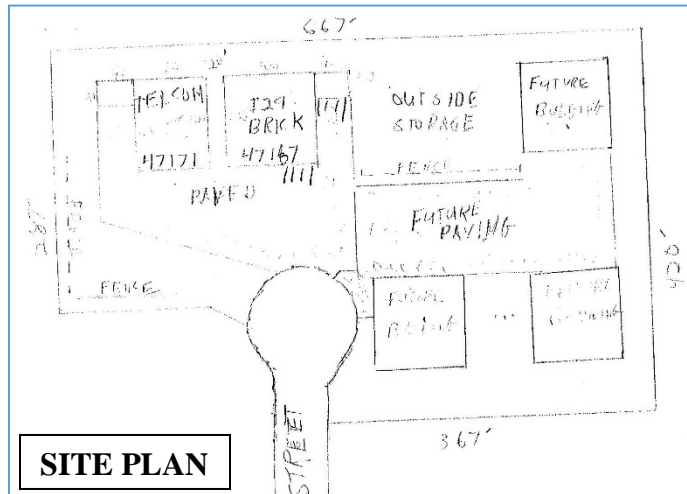
Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow Contractor’s Outdoor Storage for a wholesale sales of brick and stone materials company. The submitted site plan, at right, shows the brick company operating out of the existing 100’x100’ warehouse permitted for storage as well as the proposed outdoor storage area for brick supplies immediately to the north of the building.

The hours of operation for the proposed use will be 10 am to 4 pm, Monday-Friday, with retail sales by appointment only. The petitioner has indicated there will be a total of three employees working at the site.

The site plan, above at right, shows that the driveway access off of Haylie Street will be paved in accordance with the minimum maintenance and hard surfacing requirements for commercial and industrial uses as stated in the zoning ordinance.





The chart, below, indicates surrounding land uses and zoning adjacent to the subject property.

	Existing Land Use	Existing Zoning
North	Agriculture	A-1 Agricultural District
South	Developed/Industrial	I-1 Light Industrial District
East	Developed/Industrial	I-1 Light Industrial District
West	Agriculture	A-1 Agricultural District

On April 11, 2018, staff visited the site for the proposed contractor storage yard and determined the land use to be compatible with other similar outdoor storage areas in the surrounding area.

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.

The proposed use is located in an existing light industrial zoned area that is fairly well established with other warehouse-type buildings in the entire subdivision. The specific site is in the Green Valley Addition, which has seen consistent growth and development of similar uses within the immediate vicinity. The proposed use should not have a negative effect on the use and enjoyment of similar uses as there are no residential homes in the immediate vicinity. The property values will likely not be negatively affected by the addition of a contractor’s storage yard in conjunction with an existing warehouse building.

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

Many of the lots in the Green Valley Addition have either already been developed or actively being marketed for future development pending the zoning ordinance requirements for certain uses. The addition of a contractor’s storage yard for brick and stone materials will likely not significantly affect the normal and orderly development of vacant property for uses predominant in the area. The area will likely continue to see increased growth and development due to the proximity Interstates 29 and 90 as well as the economic strength of the regional area.

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

The petitioner plans to utilize a paved driveway access off the end of the Haylie St. cul-de-sac. All other utilities have been provided with the construction of the existing building for warehousing and office space. The site plan does not show any direction of water flow from the proposed outdoor storage area and associated paved driveways.

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

The petitioner will be required to provide a minimum of three parking spaces for each of the employees and one 14’x20’ loading/unloading space for any deliveries in accordance with the minimum maintenance and improvement standards. No parking will be allowed in the public right-of-way. The outdoor storage area is planned to be used for storage of brick and stone materials. There should also be adequate space to maneuver in-and-out of the driveway. The



existing driveway is already constructed with a concrete surface, but the future driving and parking areas will need to be hard surfaced that are adjacent to the front yard setback off of Haylie Circle.

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 site of the proposed use is located in an established industrial park-like setting with uses such as storage units, commercial trucking businesses, auto body and painting specialists, and other similar outdoor storage yards containing a variety of different materials. The written narrative explicitly mentions that the proposed use will be for storage of brick and stone materials as well as office space for the business operation.

The surrounding area consists primarily of developed light industrial-zoned land with a few commercial businesses and agricultural land. The proposed use should have a minimal effect on adjacent future commercial and industrial properties. Lighting should be directed downward onto the property to prevent light pollution off the site.

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

The Envision 2035 Comprehensive Plan encourages commercial and industrial development at this location. The subject property is zoned I-1 Light Industrial, which allows for permitted uses such as office, warehousing, and retail sales and trade. Furthermore, the addition of conditions to this permit allows planning staff a preferred method in insuring that the goals and policies of the Plan and intent of the Zoning Ordinance are upheld.

The proposed use will be located in an area identified as transition area in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The immediate area is well served by transportation access to highways including Interstate 29 and proximity to municipal development. The proposed use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public.

In the Growth Management section of the Envision 2035 Comprehensive Plan,

Goal #2 aims to enhance communication and cooperation among the several governmental and quasi-governmental entities who have the potential to impact and influence development patterns. The result of this coordination among entities is a pattern of development in the transition areas that can be integrated into municipal planning areas without the need for costly and inefficient public infrastructure expenditures.



Recommendation:

Staff finds that the proposed use is compatible with the zoning ordinance and Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-17 with the following conditions:

- 1.) That CUP #18-17 shall allow outdoor storage for brick and stone material business.
- 2.) That the property shall adhere to the submitted site plan dated 3-21-2018.
- 3.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. A building permit is required for the installation of any signage.
- 4.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard surfaced areas must be completed by August 31, 2018.
- 5.) That the applicant shall provide a 90% opaque screening fence around the outdoor storage area.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 7.) That the Planning Department reserves the right to enter and inspect the contractor's storage yard 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.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-17 and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Conditional Use Permit #18-17 - Approved



ITEM 3. CONDITIONAL USE PERMIT #18-18 to amend CUP #16-56 to exceed 5,000 square feet of total accessory building area – requesting 5,550 sq. ft. on the property legally described as Tract 3 (Ex. Lot 1) Sherry Acres Addition, SE1/4 NE1/4, Section 12-T101N-R51W.

Petitioner: Rich Leafstedt

Property Owner: Todd Olson

Location: 26333 466th Ave.

Approximately 4 miles west of Sioux Falls

Staff Report: David Heinold

This would amend CUP #16-56 to allow 5,550 square feet of total accessory building area.

General Information:

Legal Description – Tract 3 (Ex. Lot 1), Sherry Acres Addition, SE1/4 NE1/4, Section 12-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – vacant

Parcel Size – 13.57 Acres

Staff Report: David Heinold

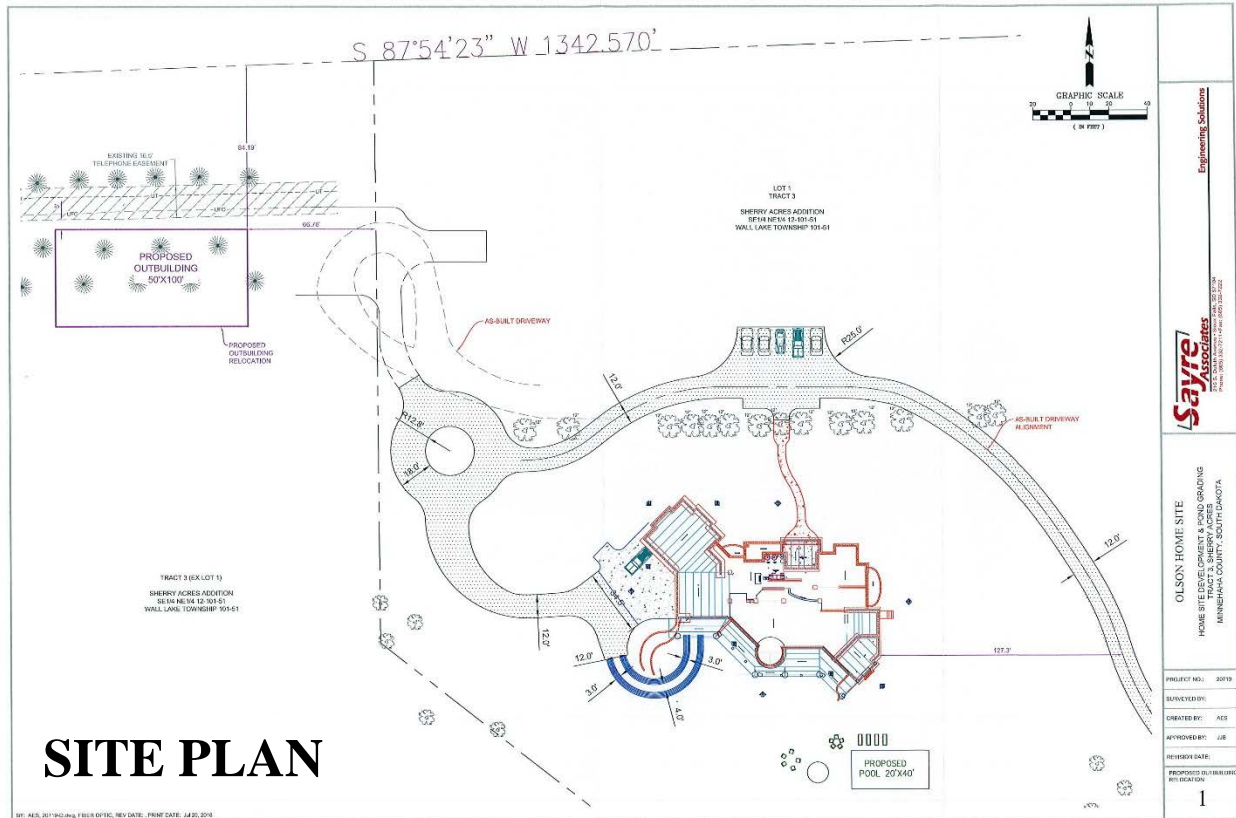
Staff Analysis:

The petitioner is requesting a conditional use permit amendment to allow 5,550 square feet of total accessory building area. According to Section 12.07 of the 1990 Revised Zoning Ordinance for Minnehaha County, accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall be limited based on the size of the parcel as depicted in Table 4. Total Permissible Area of Accessory Buildings when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

Table 4 Total Permissible Area of Accessory Buildings	
Size of Parcel	Total Permissible Area of Accessory Building Footprint
1.0 acres or less	1,600 Square Feet
1.1 to 3.0 acres	2,400 Square Feet
3.1 acres or more	3,600 Square Feet

The accessory building is currently located approximately 250 feet northwest of the single family dwelling. The site plan, next page, indicates that there will be an extension of the driveway to the 50'x100' accessory building with a proposed 550 square foot overhang addition.



Several other properties in the area have large accessory buildings. A 7,200 square foot horse barn was built approximately 1,500 feet away on a nearby non-agricultural parcel located at 46613 263rd St. Another parcel, 46625 263rd St., a little further to the east has approximately 4,732 sq. ft. on 8.43 acres. Comparatively, the property at 46641 263rd St. has both a 40'x60' and 30'x40' accessory building for a total area of 3,600 square feet on approximately 3.12 acres. Although not quite as large two properties to the northwest of the site have significant accessory square footage of 3,889 square feet and 2,340 square feet.

On April 11, 2018, staff inspected the location, pictured at right, of the requested addition and determined that the proposed total accessory building area is appropriate for the immediate area. As you can see from the image, the lean to addition as well as the accessory building structure have already been constructed. The accessory building addition adds a 550 square foot lean-to on the southeast corner of the accessory structure.





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.

There are two other properties within a half-mile of the subject property that have building sizes larger than the petitioner's requested total accessory building area. It is unlikely that the proposed building size will have a detrimental effect on property values in the immediate vicinity. The building will be used for the property owner's personal storage. The area is primarily agricultural with five residential acreages within a half-mile of each other.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 5,550 sq. ft. of accessory building area would be congruent with the land composition.

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

Access will be provided via an extension of the petitioner's driveway between the house and location for the accessory building. No further infrastructure will need to be provided.

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 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. The subject property is located within the agricultural production area identified in the Envision 2035 Comprehensive Plan, which recognizes that the primary purpose of the area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations. The proposed use of the building for personal storage should not affect surrounding land uses with an established shelterbelt of landscaping around the perimeter of the proposed location for the accessory building.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #18-18 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 5,550 square feet.



- 2.) That the accessory building shall not exceed 35 feet in height and meet the setback requirements for the zoning district.
- 3.) That an inspection be made on the accessory building to ensure that the square feet of the floor area of the building does not exceed 5,550 square feet.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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.) The lot shall be platted to include both the single family dwelling and accessory building on the same property.
- 7.) The building permit must be obtained for the proposed accessory building addition.
- 8.) 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 full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-18 and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Conditional Use Permit #18-18 - Approved



ITEM 4. CONDITIONAL USE PERMIT #18-19 to amend CUP #06-04 to allow Treatment of Trace Chemotherapy & Pathological Materials on the property legally described as Lot 10, Haug’s Addition, S1/2 SE1/4, Section 12-T102N-R50W.

Petitioner: Bob Vanderlinde

Property Owner: same

Location: 25784 Cottonwood Ave. Approximately 2 miles north of
Sioux Falls

Staff Report: David Heinold

This would amend CUP #06-04 to allow Treatment of Trace Chemotherapy & Pathological Materials.

General Information:

Legal Description – Lot 10, Haug’s Addition, S1/2 SE1/4, Section 12-T102N-R50W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Industrial

Parcel Size – 1.28 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting an amendment to condition #1 of Conditional Use Permit #06-04 to allow treatment of trace chemotherapy & pathological materials at the medical waste facility on the subject property listed above. The current conditional use permit does not allow chemical or hazardous waste to be treated or processed at this site. The written narrative includes a detailed explanation of the requested change in regards to recent changes in state requirements. The letter from the petitioner also describes that Medical Waste Transport is currently petitioning the South Dakota Department of Environment and Natural Resources concurrently with this amendment application for allowing treatment of trace chemotherapy & pathological materials on site. The property was last amended in 2006 for a medical waste treatment operation with the following conditions:

- 1) The facility shall be used only for the treatment of approved medical waste which has been packaged and labeled according to the provisions of ARSD 74:35:01. Medical waste such as chemotherapy, pathological, radioactive, chemical, or hazardous waste shall not be treated or processed at the site.
- 2) All transfer, treatment and baling/solidifying of wastes shall be conducted within an enclosed building.
- 3) All waste to be treated shall be treated within four calendar days of receipt on the site. Wastes not approved for treatment (condition #1) shall be either held on the site within an enclosed vehicle parked within a fenced area with locked gates no longer than overnight or placed in refrigerated storage within the building for a maximum of fourteen calendar days.
- 4) The medical waste treatment process shall be monitored with a biological indicator approved by the State of South Dakota Department of Environment and Natural Resources at least once every 40 hours of operation. There shall be no outside storage



- of untreated or treated medical waste on the site unless in an enclosed truck.
- 5) There shall be no outside storage of untreated or treated medical waste on the site unless in an enclosed truck.
 - 6) All wastes shall be maintained in a non-putrescible state, using refrigeration when necessary and shall comply with all other storage requirements of ARSD 74:35:01.
 - 7) The post treatment product shall be either baled or treated with adhesive or solidifying agents to prevent wind-blown dispersal into the air.
 - 8) All discharge from rinsing containers or any water from washing vehicles shall be contained in a holding tank and taken to a publicly-operated wastewater treatment facility.
 - 9) The operator shall prepare a contingency plan approved by the State DENR and provide training to all employees regarding standard operating procedures, contingency plan procedures and permit requirements.
 - 10) Copies of shipping manifests or waste tracking documentation, state inspection reports or waste monitoring reports shall be provided to the Planning Department upon request. The operator shall allow unrestricted entry upon demand during regular business hours for inspection by state of South Dakota, Minnehaha County, and local fire department officials.
 - 11) A surety performance bond shall be filed with the Planning Department in the amount of \$10,000 to assure that funds are available to dispose of waste if the property is abandoned.
 - 12) The operator shall obtain all necessary local, state and federal permits before commencing operation of the facility. In addition, the operator shall, at all times, operate the facility in compliance with applicable local, state and federal rules and regulations.

The applicant provided a description of trace-contaminated chemotherapy and pathological wastes as well as opinion letters from other states that have dealt with the issue under review. There is also explanation of what neighboring states regulate pathological wastes. The petitioner requests that condition #1 be amended to allow the treatment of trace chemotherapy and pathological wastes with the following revisions:

- 9) The facility shall be used only for the treatment of approved infectious/medical wastes according to ARSD 74:35:01 40 CFR 60.51c. ~~Medical waste such as chemotherapy, pathological, radioactive, Chemical or hazardous waste shall not be treated or processed at the site.~~

The chart, below, indicates surrounding land uses and zoning adjacent to the subject property.

	Existing Land Use	Existing Zoning
North	Developed/Industrial	I-1 Light Industrial District
South	Developed/Industrial	I-1 Light Industrial District
East	Developed/Industrial	I-1 Light Industrial District
West	Developed/Industrial	I-1 Light Industrial District

The current 5-year Solid Waste Permit #11-01 expired as of March 27, 2016; therefore, the applicant is required to submit a new application for a Solid Waste Permit to be in conformance



with Ordinance MC17-91 Regulation of Solid Waste.

On April 11, 2018, staff visited the site for the requested conditional use permit amendment to allow the treatment of chemotherapy and pathological waste and determined the land use to be compatible with properties located in the surrounding area.

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.

Since the proposed treatment of chemotherapy and pathological waste is conducted within the existing building in accordance with state administrative rules, the requested conditional use permit amendment will likely not negatively affect the use and enjoyment or upon property values of property in the surrounding area for existing businesses. The medical waste facility has been operating within the existing building for approximately the past fifteen years.

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

All of the lots in Haug's First Addition have already been developed and engaged in a variety of business operations. Since the lots are already developed, the proposed amendment to allow treatment of chemotherapy and pathological waste should not affect the normal and orderly development of vacant property for uses predominant in the area. The area will likely continue to see increased growth and development due to the proximity of Interstates 29 and 90 as well as the economic strength of the regional area.

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

The petitioner does not plan any changes to the utilities, access roads, and drainage facilities due to no physical modifications are being made to the building or property.

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

The petitioner has enough area delineated on the prior approved site plan to accommodate the use. No parking will be allowed in the public right-of-way. Staff has included a copy of the prior approved site plan in the staff report packet, which shows the hard surfaced driveways to the medical waste facility as well as the building footprint concept and outdoor storage area. The original application, Conditional Use Permit #01-08, indicates all three driveways as paved. The current zoning ordinance requires that all parking/driving areas accessed from a hard surfaced road must meet the minimum maintenance and improvement standards section. The driveway from Cottonwood Avenue to the outdoor storage yard is currently constructed with gravel. This section from Cottonwood Ave. to the fenced-in storage yard must be hard surfaced in accordance with the zoning ordinance requirements. The aerial site photography shows a 80 foot long by 20 foot wide concrete pad on the east side of the existing building to accommodate the minimum number of parking spaces, 12, that are required for the approximately 60'x60' office space.



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 site of the proposed use is located in an established industrial park-like setting with uses such as storage units, commercial trucking businesses, auto body and painting specialists, and other similar outdoor storage yards containing a variety of different materials. The requested change to allow treatment of chemotherapy and pathological waste will likely not constitute a nuisance to surrounding property owners with the use conducted entirely within the building. The petitioner has provided informational material explaining the process for treatment of the chemotherapy and pathological waste.

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

The use is presently located in an area identified as transition area in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The immediate area is well served by transportation access to highways including Interstate 29 and proximity to municipal development. The proposed amendment to the existing use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public. The subject property is located within the transition area for the City of Sioux Falls and Crooks identified by the Envision 2035 Comprehensive Plan, which recognizes that these areas have the primary purpose of maintaining the rural landscape until eventual residential development and/or municipal annexation. The use of the building for a medical waste facility should not affect the future growth of this area given the present use of the land and the immediate area for commercial and industrial development.

Recommendation:

Staff finds that the requested conditional use permit amendment to allow the treatment of chemotherapy and pathological waste is compatible with the uses predominant in the surrounding area as well as in conformance with the Envision 2035 Comprehensive Plan goals and policies. The proposed changes to Conditional Use Permit #06-04 are underlined in the staff recommended conditions of approval. Staff recommends **approval** of Conditional Use Permit #18-19 with the following conditions:

- 1) The facility shall be used only for the treatment of approved infectious/medical waste according to 40 CFR 60.51c. Chemical or hazardous waste shall not be treated or processed at this site.
- 10) All transfer, treatment and baling/solidifying of wastes shall be conducted within an enclosed building.
- 3) All waste to be treated shall be treated within four calendar days of receipt on the site. Wastes not approved for treatment (condition #1) shall be either held on the site within an enclosed vehicle parked within a fenced area with locked gates no longer than overnight or placed in refrigerated storage within the building for a maximum of fourteen calendar days.
- 4) The medical waste treatment process shall be monitored with a biological indicator approved by the State of South Dakota Department of Environment and Natural Resources at least once every 40 hours of operation. There shall be no outside storage



- of untreated or treated medical waste on the site unless in an enclosed truck.
- 5) There shall be no outside storage of untreated or treated medical waste on the site unless in an enclosed truck.
 - 6) All wastes shall be maintained in a non-putrescible state, using refrigeration when necessary and shall comply with all other storage requirements of ARSD 74:35:01.
 - 7) The post treatment product shall be either baled or treated with adhesive or solidifying agents to prevent wind-blown dispersal into the air.
 - 8) All discharge from rinsing containers or any water from washing vehicles shall be contained in a holding tank and taken to a publicly-operated wastewater treatment facility.
 - 9) The operator shall prepare a contingency plan approved by the State DENR and provide training to all employees regarding standard operating procedures, contingency plan procedures and permit requirements.
 - 10) Copies of shipping manifests or waste tracking documentation, state inspection reports or waste monitoring reports shall be provided to the Planning Department upon request. The operator shall allow unrestricted entry upon demand during regular business hours for inspection by state of South Dakota, Minnehaha County, and local fire department officials.
 - 11) A surety performance bond shall be filed with the Planning Department in the amount of \$10,000 to assure that funds are available to dispose of waste if the property is abandoned.
 - 12) The operator shall obtain all necessary local, state and federal permits before commencing operation of the facility. In addition, the operator shall, at all times, operate the facility in compliance with applicable local, state and federal rules and regulations.
 - 13) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard surfaced areas must be completed by August 31, 2018.
 - 14) That the applicant shall submit a Solid Waste Permit application to be in conformance with Ordinance MC17-91 Regulation of Solid Waste.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-19 and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Conditional Use Permit #18-19 - Approved



ITEM 6. CONDITIONAL USE PERMIT #18-22 to exceed 3,600 square feet of total accessory building area – requesting 6,816 sq. ft. on the property legally described as Tract 1, Jones Addition, NE1/4, Section 10-T102N-R52W.

Petitioner: Steven Jones

Property Owner: same

Location: 45769 257th St.

Approximately 1 mile northeast of

Humboldt

Staff Report: David Heinold

This would allow 6,816 square feet of total accessory building area.

General Information:

Legal Description – Tract 1, Jones Addition, NE1/4, Section 10-T102N-R52W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 7.05 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 6,816 square feet of total accessory building area on approximately 7.05 acres with an additional 21.70 acres of pasture owned by the same owner directly adjacent to the subject property to the south. According to Section 12.07 of the 1990 Revised Zoning Ordinance for Minnehaha County, accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall be limited based on the size of the parcel as depicted in Table 4. Total Permissible Area of Accessory Buildings when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

Table 4 Total Permissible Area of Accessory Buildings	
Size of Parcel	Total Permissible Area of Accessory Building Footprint
1.0 acres or less	1,600 Square Feet
1.1 to 3.0 acres	2,400 Square Feet
3.1 acres or more	3,600 Square Feet

The subject property does not have any existing detached accessory structures; however, the single family dwelling was constructed in 2013 with a building permit approved for a 1,221 sq. ft. attached garage. The sizes of the existing buildings ranges from 1,671 square feet to 5,000 square feet of total accessory building area generally within a half mile distance of the subject



property. The petitioner provided two site plans with alternative options for sizes of detached accessory buildings for the planning commissions review and consideration.

Option 1, page 37, shows a 60'x72' accessory building totaling 4,320 sq. ft. in area. Option 2, page 38, shows both a 54'x64' and 42'x80' attached as one accessory building totaling the full requested total area listed above for 6,816 sq. ft. The two site plan options show the proposed accessory building will be located to the southeast of the existing house on the approximately 7.05 acre parcel.

There is one property with a total accessory building area in the surrounding area exceeding the 3,600 square foot total permissible area of accessory building footprint for properties larger than 3 acres. The property owner, 901 N. Ford St., has approximately 5,000 square feet on about 15.38 acres located a little over a half mile away from the subject property. The property across



the street to the east has approximately 2,964 sq. ft. on 3.32 acres kitty corner from the property owner's house located at 1010 N. Ford St. on a subdivided parcel.

On April 11, 2018, staff inspected the location, pictured at left, of the proposed accessory building and determined that the requested total accessory building size is appropriate for the immediate area. The proposed accessory building will be located east of the existing house.

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 size of the requested accessory building addition area exceeds the sizes of existing buildings on similar properties to the subject property; however, many of the properties in the area have accessory building sizes exceeding the 3,600 sq. ft. total area on smaller lot sizes. The personal use of the proposed building addition for storage will likely not significantly affect the use and enjoyment of properties in the immediate vicinity.

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

The area primarily consists of agricultural farmland with several residential acreages and existing farmsteads. The requested accessory building area would set a precedent for future undeveloped properties in the surrounding area and would further increase the size of personal accessory buildings in the rural area; however, accessory building sizes over 6,000 sq. ft. have been approved in other parts of the county on similar lot arrangements. For reference, the County Planning Commission approved Conditional Use Permit #16-82 at the November 28, 2016



meeting to allow an accessory building addition for a total area of 6,534 sq. ft. on a similar property southeast of Baltic. The future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area as well as future growth of municipal jurisdictions.

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

The petitioner has not indicated a need to increase utilities or included any provisions for accommodating drainage facilities to manage the type, intensity, and flow of water from the proposed accessory building. The site plan shows that the proposed building will be accessible via an extension of the existing driveway.

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. The property is located within the area defined as the Agricultural Production Area in the Envision 2035 Comprehensive Plan, which sets forth the purpose to protect, preserve, and promote agricultural uses and the economic viability of farming operations in the rural area. The close proximity to the town of Humboldt is important to note; however, it is unlikely that municipal growth would reach this area during the planning period as identified by the Envision 2035 Comprehensive Plan.

Recommendation:

Staff finds that the requested total accessory building area is appropriate for the size of the parcel as well as conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-22 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 6,816 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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 accessory building.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-22 and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Conditional Use Permit #18-22 - Approved



Regular Agenda

ITEM 5. CONDITIONAL USE PERMIT #18-20 to allow a Telecommunications Tower on the property legally described as W1/2 N1/2, Lying North of RR & West of River & NW1/4 (Ex. That Part E915’ Lying North of RR ROW But Including N380’ Thereof); all in Section 33-T102N-R48W.

Petitioner: Xcell Towers II, LLC

Property Owner: Daniel Risty

Location: 808 W. Holly Blvd.
Brandon

Approximately 1 miles west of

Staff Report: Kevin Hoekman

This would allow a Telecommunications Tower.

General Information:

Legal Description – W1/2 N1/2, Lying North of RR & West of River & NW1/4 (Ex. That Part E915’ Lying North of RR ROW But Including N380’ Thereof); all in Section 33-T102N-R48W

Present Zoning – RC Recreational/Conservation District

Existing Land Use – Pasture Land (where tower is planned)

Parcel Size – 43.90

Staff Report: Kevin Hoekman

Staff Analysis:

The site is located approximately 1/2 mile west of Brandon and 1/2 mile north of Holly Boulevard and 1/2 mile south of Interstate 90. The property is serviced by a long gravel driveway that belongs to the farmstead of the property owner. It is located in an area primarily used for agricultural production, and a few single family dwellings are located nearby with many dwellings within Brandon city limits. The proposed site is near the Big Sioux River, but it is not within the floodplain.

The petitioner is requesting to construct a 190 foot tall monopole tower on the subject property. A Telecommunication tower is a permitted special use within the RC Recreational/Conservation zoning district; however, the proposed tower does not meet the requirement of section 12.12 (C) 3) to be located a minimum distance of 3 miles from the nearest tower. Since the setback distance has not been met, the proposed tower is required to obtain a conditional use permit.

The tower is to be used primarily for telecommunication purposes with the opportunity to co-locate other transmitters. It is designed to be a monopole and there no need for guy wires to stabilize it. The tower will have to abide by all Federal Aviation Administration (FAA) regulations regarding painting and lighting, and it will have to be registered and maintained as such. On the first page of the submitted letter from the Federal Aviation Administration, a statement reads that “markings and lighting are not necessary for aviation safety.” County



ordinance requires that illumination must not exceed the minimum necessary requirement. If in the future a light is required, the light shall not exceed the minimum.

The location of the proposed property is currently on the same parcel as a farmstead and surrounding land. Plans show that the tower will be separated from the farmstead by a fence with easements for access and utilities. The tower location is located approximately 1/2 mile from the City of Brandon, and the nearest dwellings, other than the property owner, are located within the city. A support structure that houses electrical and utility items for the broadcast tower will also be located within the fence. There will be room for more utility houses if co-location communications are added to the structure.

Telecommunications towers are regulated by county ordinance in several ways in Article 12.13, Additional Use Regulations. The ordinance regulates the tower design, setbacks, illumination, maintenance, signage, co-location of multiple antenna, and abandonment process. The proposed tower is required to follow these regulations for construction and maintenance purposes.

The Minnehaha County Zoning Ordinance requires a setback of 1,300 feet from the property that has a residential dwelling. One dwelling is located within this setback, but the dwelling is owned by the property owner of the proposed tower site. No further waivers will be required of the proposed facility.

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.

The area around the proposed site is primarily composed of agricultural land with the City of Brandon approximately 1/2 mile away. The tower appears to not need any required safety lights or special markings because of its low height and elevation. The absence of a light should minimize negative impacts on surrounding properties. The stated goal of the petitioner is to provide a service in a coverage gap for telecommunications. Increased coverage may be a positive change for nearby cellular phone users.

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 proposed tower site will likely remain predominantly agricultural in part because of the large floodplain that the tower is located nearby. The nearby development within the City of Brandon will likely not be impacted since no warning light is needed for the tower. Even without a flashing light the tower may create an unwanted visual impact for recreational users of the Big Sioux Rivers. The visual aspect of the tower will have no effect on agricultural production.

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

The proposed tower is located within an existing farmstead. Access and utilities easements are shown in the provided plans. The drainage of the site will be minimally affected with only an



addition of a concrete pad as an impervious surface.

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

The site will not have on site employees but will need to have parking for contracting and maintenance vehicles. The distance from the road and the current gravel area around the support structure should be enough to support parking for the tower.

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 tower will not produce significant odor, fumes, dust, noise, or vibration during regular operations. The tower is not required by the FAA to have lighting. The Minnehaha County Zoning Ordinance requires that the tower uses the minimum FAA requirements, and that the night time safety lights cannot be white. If the FAA requires safety lights in the future, the lights must not exceed the minimum requirements.

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. The proposed structure is 190 feet tall with a 9 foot lightning rod and may pose a risk if excessive winds topple the tower. The nearest dwelling is over 600 feet away and separated by a grove of trees.

The property should include reasonable security from climbers and vandals. Many towers in the county include a 6 foot high security fence with barbed wire on the top. A fence such as this would help prevent climbers, vandals, and the like from causing harm to the facility or to themselves. The petitioner has included in the plans on placing a security fence around the facility.

The Zoning Ordinance includes that the property and/or facility owner must remove the tower if it is not in use for 365 consecutive days. If the tower is not removed the county may remove the tower at the property and/or facility owner's expense.

A commercial building permit is required by the county prior to the construction of the tower. This will require engineered plans, and a permit fee of 1% of the project cost.

Recommendation:

Staff finds that the proposed telecommunication towers meets the zoning requirements and conforms with the Comprehensive Plan. Staff recommends approval of CUP #18-20 with the following conditions:

- 1.) The facility shall meet the requirements of Article 12.12 of the Minnehaha County Zoning Ordinance with the exception of Section 12.12 (C) 3).
- 2.) A letter of removal responsibility shall be submitted to the Planning Department prior to the issuance of a building permit.
- 3.) A building permit is required before the erection of the tower.



- 4.) A six (6) foot high security fence shall be placed around the tower to discourage climbers and vandals.
- 5.) All security lighting shall be of shoebox style that direct the light downward to prevent spillage of light onto neighboring properties.

Public Testimony

Kevin Hoekman, planning staff, noted that the petitioner requested deferral of the item and did not send notices for this meeting.

Action

Commissioner Barth made a motion to **defer** Conditional Use Permit #18-20 and the motion was seconded by Commissioner Ralston.

Conditional Use Permit #18-20 – Deferred until the May 21, 2018 Planning Commission



ITEM 7. CONDITIONAL USE PERMIT #18-23 to allow a Telecommunications Tower on the property legally described as Tract 1 Bunde's Addition SE1/4 NE1/4 & E1/2 NE1/4 (Ex Valley View Farm Addn. & Ex Lot H-1) & E40 W1/2 NE1/4, Section 13-T103N-R51W.

Petitioner: Curt Walter for Verizon Wireless

Property Owner: Todd Bunde

Location: SW portion of 252nd St. & 466th Ave. intersection

Approximately 4 miles southeast of Colton

Staff Report: Kevin Hoekman

This would allow a Telecommunications Tower.

General Information:

Legal Description – Tract 1 Bunde's Addition SE1/4 NE1/4 & E1/2 NE1/4 (Ex Valley View Farm Addn. & Ex Lot H-1) & E40 W1/2 NE1/4, Section 13-T103N-R51W

Present Zoning – A1-Agriculture

Existing Land Use – Agricultural Cropland

Parcel Size – 65.11 acres.

Staff Report: Kevin Hoekman

Staff Analysis:

The site is located approximately 1.25 mile west of the Village of Lyons and 1.25 mile east of Tri-Valley High School. The proposed site is setback from the highway into a crop field to meet the setback requirements for the dwellings north of the highway. It is located in an area primarily used for agricultural production, and a few single family dwellings are located nearby.

The petitioner is requesting to construct a 190 foot tall monopole tower on the subject property. A Telecommunication tower is a permitted special use within the A1-Agricultural zoning district; however, the proposed tower does not meet the requirement of section 12.12 (C) 3) to be located a minimum distance of 3 miles from the nearest tower. Since the setback distance has not been met, the proposed tower is required to obtain a conditional use permit.

The tower is to be used primarily for telecommunication purposes with the opportunity to co-locate other transmitters. It is designed to be a monopole and there no need for guy wires to stabilize it. The tower will have to abide by all Federal Aviation Administration (FAA) regulations regarding painting and lighting, and it will have to be registered and maintained as such. The petitioner verbally noted that anything under 200 feet tall rarely requires a light unless near an airport. This tower is 199 feet tall with the lightning rod, it is not expected a light will be required.

The location of the proposed property is currently on a parcel composed of agricultural cropland. The nearest three dwellings to the site belong to individuals of the same family. The closest two



property owners have signed the required waivers to allow for a reduction of setback. Plans show that the tower will be surrounded by a fence and have easements for access and utilities. A support structure that houses electrical and utility items for the broadcast tower will also be located within the fence. There will be room for more utility houses if co-location communications are added to the structure.

Telecommunications towers are regulated by county ordinance in several ways in Article 12.13, Additional Use Regulations. The ordinance regulates the tower design, setbacks, illumination, maintenance, signage, co-location of multiple antenna, and abandonment process. The proposed tower is required to follow these regulations for construction and maintenance purposes.

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.

The area around the proposed site is primarily composed of agricultural land. Its proximity to the village of Lyons and Tri-Valley School, was noted as a primary reason for the tower's placement. The tower appears to not need any safety lights or special markings because of its low height. The absence of a light should minimize negative impacts on surrounding properties. The stated goal of the petitioner is to provide a service in a coverage gap for telecommunications. Increased coverage may be a positive change for nearby cellular phone users.

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 proposed tower site will likely remain predominantly agricultural; however several building eligibilities are available in the surrounding area. The visual aspect of the tower will have no effect on agricultural production.

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

The proposed tower is located within an existing farmstead, and access and utilities easements are shown in the provided plans. The drainage of the site will be minimally affected with only an addition of a concrete pad as an impervious surface. The long setback from the road should help reduce aesthetic concerns from the highway and nearby residences.

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

The site will not have on site employees but will need to have parking for contracting and maintenance vehicles. The distance from the road and the proposed gravel area around the support structure should be enough to support parking for the tower.

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 tower will not produce significant odor, fumes, dust, noise, or vibration during regular operations. The tower is not required by the FAA to have lighting. The Minnehaha



County Zoning Ordinance requires that the tower uses the minimum FAA requirements, and that the night time safety lights cannot be white. If the FAA requires safety lights in the future, the lights must not exceed the minimum requirements.

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. The proposed structure is 190 feet tall with a 9 foot lightning rod and may pose a risk if excessive winds topple the tower. The nearest dwelling is over 1,000 feet away and separated by a grove of trees.

The property should include reasonable security from climbers and vandals. Many towers in the county include a 6 foot high security fence with barbed wire on the top. A fence such as this would help prevent climbers, vandals, and the like from causing harm to the facility or to themselves. The petitioner has included in the plans on placing a security fence around the facility.

The Zoning Ordinance includes that the property and/or facility owner must remove the tower if it is not in use for 365 consecutive days. If the tower is not removed the county may remove the tower at the property and/or facility owner's expense.

A commercial building permit is required by the county prior to the construction of the tower. This will require engineered plans, and a permit fee of 1% of the project cost.

Recommendation:

Staff finds that the proposed telecommunication towers meets the zoning requirements and conforms with the Comprehensive Plan. Staff recommends approval of CUP #18-23 with the following conditions:

- 1.) The facility shall meet the requirements of Article 12.12 of the Minnehaha County Zoning Ordinance with the exception of Section 12.12 (C) 3).
- 2.) A letter of removal responsibility shall be submitted to the Planning Department prior to the issuance of a building permit.
- 3.) A building permit is required before the erection of the tower.
- 4.) A six (6) foot high security fence shall be placed around the tower to discourage climbers and vandals.
- 5.) All security lighting shall be of shoebox style that direct the light downward to prevent spillage of light onto neighboring properties.



Public Testimony

Kevin Hoekman, planning staff, presented the staff report and recommendation.

Curt Walters, the petitioner who represents Verizon Wireless, was present for questions. Commissioner Ode asked why this particular site was chosen for this project. Curt Walters stated that this site covers both the Tri-Valley School and town of Lyons with one tower, the site is low enough that no lighting will be required, and the site meets the county setback requirements from nearest dwellings. Commissioner Duffy affirmed with the petitioner that all FAA requirements will be met. Curt Walters responded that typically projects that are under 200 feet are not required to even file with the FAA unless there are nearby airfields.

Commissioner Ralston confirmed with staff that if the project was denied by the FAA, the tower would not be allowed to be built even if this permit is built. Commissioner Barth asked staff if this tower would be a problem for EROS Data Center. Staff responded that the site is well outside of the EROS height restriction area.

Jay Husman, 46562 252nd Street, and Kristine Christiansen, 46580 252nd Street, together presented opposition to the communications tower proposal. Jay and Kristine own the two dwellings north of the proposed site and they presented a number of concerns including: visual impact of the tower, resale potential and property values, potential increase for lightning strikes and power surges, additional providers on the site, radiation from the tower, potential health problems, potential harm for livestock and milk production, and potential traffic increases. Both Jay Husman and Kristine Christiansen also provided several additional observations and comments including: the area including Rosenbauer in Lyons has good cellular coverage already, the school has fiber optics available, there is an existing tower to the north that could be utilized, and the elevator in Lyons could be used to place the needed equipment. Jay Husman show a few photos of his house in relation to the proposed tower.

Commissioner Duffy asked the petitioner if this site was vetted as the best possible site. Curt Walters responded that the tower is about additional capacity and not necessarily coverage. He continued that the tower to the north is an additional three quarters of a mile farther from the school and the town of Lyons which provides a lesser capacity for internet and similar uses. The grain elevator location would only cover the town of Lyons but not the school. Curt Walters continued with pointing out an informational sheet provided to the Planning Commission about the importance of cell coverage for home buyers. He noted that the towers are well grounded for lightning. He also noted there are other sites in the cities of Crooks and Sioux Falls that are located near homes already.

Commissioner Barth asked if consideration was given to placing a tower at Tri-Valley. Curt Walters responded that if that was to happen another tower would have to be placed in Lyons, so this site is the best and preferable location.

Commissioner Barth asked Commissioner Ode if cell towers would cause stray voltage near a dairy. Commissioner Ode responded that we was not aware of stray voltage from a tower.



Commissioner Ode commented that many variables can affect dairy production from feed rations to stray voltage problems.

Nate Stroschein, noted he works for a power company, added that stray voltage is an issue with power lines and underground grid. He noted that he had not heard of anything with cell towers. He added that the power company can be contacted for more information on stray voltage.

Action

Commissioner Randal made a motion to **approved** Conditional Use Permit #18-23 with conditions and the motion was seconded by Commissioner Ode. The motion was passed unanimously.

Conditional Use Permit #18-23 – Approved



ITEM 8. CONDITIONAL USE PERMIT #18-10 to allow a Class C, Swine CAFO (960 AU) on the property legally described as NE ¼, Section 15-T103N-R47W.

Petitioner: Richard Funke

Property Owner: same

Location: Approximately 1.75 miles northeast of Garretson

Staff Report: David Heinold

This would allow a Class C, Swine CAFO (960 AU).

General Information:

Legal Description – NE1/4, Section 15-T103N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agricultural

Parcel Size – 130 Acres

Staff Report: David Heinold

Staff Analysis:

The conditional use permit request to allow a Class C, Swine CAFO (960 Animal Units) was deferred action at the previous planning commission meeting to the April 23 Planning Commission to allow the petitioner to work with Springwater Township, Minnesota on road access and creating a maintenance plan should any issues exist with the road beyond the normal maintenance routine.

The petitioner is requesting conditional use permit approval to allow a Class C, Swine Concentrated Animal Feeding Operation for 960 animal units. The narrative describes that the proposed swine barn will be a single-story, 393 ½'x51' structure with 18-foot sidewalls to house 2,400 head of finisher swine over 55 pounds. The structure will be built over a concrete pit, which will collect and maintain all manure produced from the facility.

The conditional use application shall be accompanied, at a minimum, by the following information:

- (1). A description of the type of concentrated animal feeding operation and the number of animals proposed for the facility.
Applicant Response: The proposed facility is a single-story 2,400-animal swine finishing facility which will be approximately 18' in total height.
- (2). A site plan of the proposed facility including:
 - (a). The location of all existing and proposed structures, including manure containment facilities and confinement buildings and corrals. All new structures and corrals shall be located a minimum of 50 feet from any property line.
 - (b). A grading plan designed to minimize contamination of stormwater runoff from manure containment facilities or animal pens.



- (c). All required site plan elements for a Conditional Use Permit as listed in Section 19.04.

Applicant Response: *Site Plan included as Exhibit A.*



- (3). A dead animal disposal plan which complies with South Dakota Animal Industry Board requirements. Temporary dead animal storage or disposal sites shall be screened or located out of site from neighboring dwellings and the adjacent right-of-way.

Applicant Response: *Mortality management shall be done in compliance with one of the methods allowed by the South Dakota Animal Industry Board. Current plans are to place a rendering service on contract to promptly dispose of mortalities. Mortalities will be screened by a 3-sided, minimum of 4' high enclosure as illustrated in the site plan.*

- (4). A manure management plan including the following information:
- (a). Location and description of the manure containment facilities and structures.
 - (b). Description of type of manure and method of storage.
 - (c). Description of the proposed method and schedule for manure application.

Applicant Response: *Manure is a valuable component of our facility. Manure management starts with capturing the manure in a reinforced concrete pit directly under the proposed facility. This has the benefit of both fully containing the manure and also covering the pit with the facility*



which eliminates exposure to weather while helping further control potential odors.

The liquid manure stored in the pit will be applied by injection directly in to the soils which further reduces the potential for odor. Our intent will be to apply the manure annually in the fall after harvest, when the temperatures are cooler and air less humid which further aids in odor reduction. We will also make every effort to avoid applying on windy days or ahead of anticipated saturating rains even though manure is being injected which makes any kind of runoff very unlikely even in significant rain events.

- (5). Any applicable waivers for land use setback reduction as described in Section 12.10 (F). 2.

Applicant Response: The proposed facility is outside of all required setbacks, as illustrated on the site plan, and therefore no waivers are required.

A concentrated animal feeding operation which is granted a conditional use permit shall, at a minimum, meet the following requirements:

- (1). General Permit Requirement. A state general permit is required if any of the following situations are met.
Applicant Response: As a 960 AU, fully contained, facility a DENR state general permit will not be required.
- (2). General Permit Record Keeping. When a state general permit is required, the operator shall maintain and have available the following records.
Applicant Response: As a 960 AU, fully contained, facility a DENR state general permit will not be required.
- (3). Construction Documents. The following documents are required, when applicable, before a building permit can be acquired.
Applicant Response: The facility will measure 51' x 393.5' and be built to engineered plans which will be provided for approval prior to requesting a building permit.

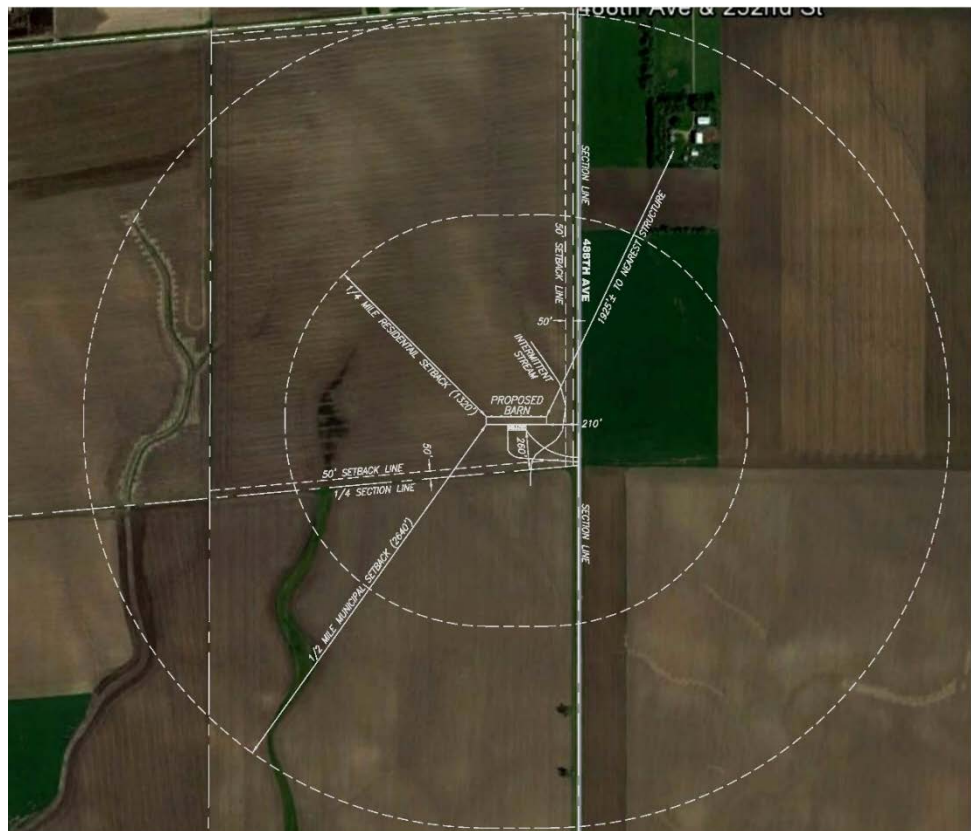
(F). Separation Requirements and Criteria for Concentrated Animal Feeding Operations.

- (1). Environmental Setbacks. A concentrated animal feeding operation shall comply with the minimum environmental separation requirements in Table 1.
Applicant Response: All environmental setbacks will be met as required by the Ordinance and as illustrated in the site plan.



- (2). Land Use Setbacks. The minimum separation criteria in Table 2 shall be used in siting a concentrated animal feeding operation. The minimum separation criteria may be increased based on site specific conditions. When a proposed operation does not meet the minimum separation criteria, the following alternatives may apply.
- (a). Setback Reduction for Dwellings and Businesses.
1. A signed waiver from each landowner who owns land with a dwelling or business located closer than the minimum separation criteria.

Applicant Response: *All land use setbacks will be met as required by the Zoning Ordinance and as illustrated in the site plan.*



1 OF 2

- (G). Manure Application Requirements.
- (1). The minimum separation requirements in Table 3 shall apply to the application of manure from a concentrated animal feeding operation.
Applicant Response: *All minimum separation requirements for manure application will be followed.*
- (2). Liquid Manure Application.



Applicant Response: *The facility will consist of liquid manure which is intended to be injected for all applications. In the rare instance surface application is required, all necessary approvals through DENR or the Planning Director will be obtained in advance and followed accordingly.*

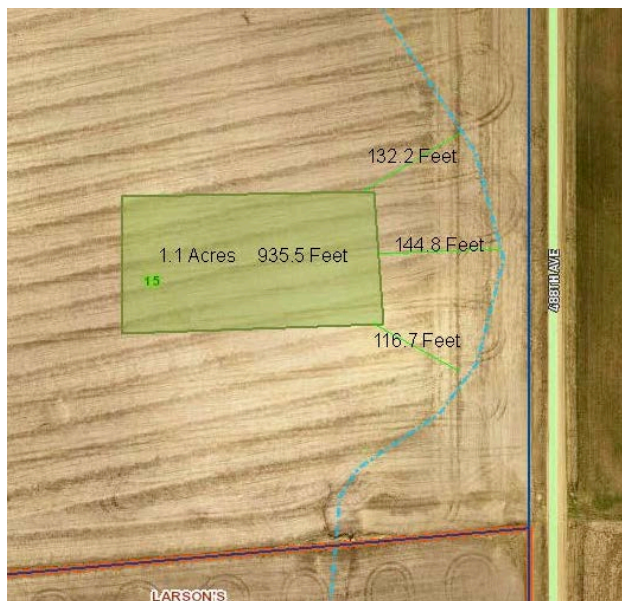
(3). Other Than Liquid Manure Application.

Applicant Response: *All manure contained within this facility will be liquid.*

The petitioner has included additional information regarding the proposed Class C, Finisher Swine CAFO in the attached written narrative.

On March 15, 2018, staff inspected the subject property to verify the conditions of the site as well as the details submitted in the original application. The proposed site for a new finisher swine operation is appropriate for the surrounding area, which is primarily agricultural with a few residential acreages and cattle lots within a half mile of the subject property.

Staff created the map, at right, showing the approximate distances from the proposed building site for the swine facility to the intermittent stream as delineated by the United States Geological Survey 7.5 minute topographic map. The minimum environmental separation requirement from intermittent streams or waterways is 100 feet for a Class C concentrated animal feeding operation.



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.

The primary use of property surrounding the swine operation is agricultural farmland and a few existing farmsteads within a half mile. The described approximately one and half acre location of the operation meets the setback requirements for all residential dwellings. There is a single family dwelling on an existing farmstead across the state line in Minnesota a little farther out directly to the northeast about three-eighths of a mile from the CAFO site.

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 swine 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 future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area.

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

The proposed location for the swine operation is located a little over a mile from County Highway 120. The petitioner plans to utilize well water and connecting other utilities as necessary to the facility.

Since the subject property where the proposed facility is located abuts the Minnesota state line, the petitioner will need to contact the appropriate township governing authority for road access. The proposed size of the operation brings concern over maintenance of the road, which falls under the jurisdiction of Springwater Township, Minnesota as the road management authority. Therefore, the applicant should work with Springwater Township to develop an agreement that details the maintenance plan to ensure the access road remains safe and accessible by the public.

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

The operation is located on an approximately one and half 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, swine operations primarily produce odor from the animal and manure facilities, and swine facilities increase traffic and workers that may increase the amount of dust created from the roads. A potential condition could be added for dust control; however, the appropriate township governing authority must be contacted prior to imposing such a condition to determine appropriateness for management of the township road.

The submitted narrative includes the petitioner's written explanation of odor management and analysis from the proposed use. 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. A potential condition on the permit could be to require that the facility submit a landscape plan with a few rows of trees designed by a registered landscape architect for managing the dispersal of odors. However, staff recognizes that in no case, the odor can be completely eliminated from the proposed swine operation.



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

The proposed new swine 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 swine 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 subject property is located firmly within the Agricultural Production Area defined by the Envision 2035 Comprehensive Plan, which Goal 3 on Page 91 defines the sole purpose of this planning category to protect, preserve, and promote agricultural uses and the economic vitality of farming operations. Action 3.5 of the Plan states to evaluate potential constraints for operation and expansion of agricultural production such as separation criteria for concentrated animal feeding operations. The result of this evaluation step for expansion of existing and new operations is the facilitation of community feedback to mitigate land use impacts associated with intensive agricultural development in the rural area.

Recommendation:

Staff finds that the proposed use for a Class C, finisher swine concentrated animal feeding operation is consistent with the goals and actions of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-10 with the following conditions:

- 1.) The facility shall not exceed 960 animal units in size.
- 2.) Approval must be obtained by Springwater Township, Minnesota for the construction of the new driveway access prior obtaining a building permit.
- 3.) An address sign must be purchased at the planning department and placed at the driveway of the facility.
- 4.) 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.
- 5.) The facility shall conform to the submitted site plan. 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.
- 6.) A rendering service must be used to pick up and remove dead animals from the property. All temporary dead animal storage disposal sites shall be screened or not visible from neighboring dwellings and the public right-of-way.
- 7.) That a detailed set of architectural, structural, mechanical, electrical, and engineered foundation design plans, all have to be stamped and sealed by the respective licensed professionals.
- 8.) A building permit is required for all structures prior to construction.



- 9.) 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

David Heinold, County Planning, presented a brief summary of the staff report.

Commissioner Barth questioned how many hogs would be included in the proposal. Mr. Heinold explained that the petitioner is requesting swine over 55 pounds, which is the equivalent of 0.4 animal units per head.

Richard Funke, 48249 267th St., identified himself as the petitioner and explained a few updates for the conditional use permit request regarding drainage, water, and road management issues.

Mr. Funke mentioned that he discussed with Springwater Township, Minnesota about the driveway permit and road maintenance plan for the gravel road access to the proposed swine operation.

Scott Anderson, County Planning Director, distributed an email correspondence to the applicant and planning commissioners regarding the proposed swine operation.

Commissioner Barth mentioned that while he was going to check out the subject property he discovered that County Highway 103 is a pretty narrow paved road.

Stan Williamson identified himself as the District 2 Rock County Commissioner and county representative for Gary Hanson. Mr. Williamson added concerns with cross-jurisdictional setbacks for concentrated animal feeding operations between Minnehaha, South Dakota and Rock County, Minnesota. He continued to mention that he believes the common courtesy in this request would be to move the proposed building 2,640 feet away from Mr. Hanson's house to match the Rock County setback standards for concentrated animal feeding operations.

Karl Liester, 48737 253rd St., stated concerns about safety and increased truck traffic on already narrow roads. Mr. Liester questioned if there have been any traffic impact studies completed for this type of facility. He continued to mention some personal research regarding the odor footprint tool and the effect of the proposed swine operation on property values. Mr. Liester explained that there is a low-lying area about a half mile to the southwest of the subject property and goes right into the intermittent stream that leads into Garretson City Park.

Mr. Liester questioned the true odor impact from a half mile away from the proposed facility. He continued to mention that the Planning Commission should err on the side of caution and be good neighbor to both Garretson residents as well as Minnesota residents. He indicated that he lives to the south of the subject property along County Highway 120.



Helen Williamson, 48716 253rd St., indicated there was a local newspaper article regarding Smithfield Foods in the Argus Leader. Ms. Williamson explained that the taxpayers deserve the utmost respect for what they pay. She continued to mention that the proposed operation will not be a family farm and the Planning Commission should listen to what property values may do.

Ms. Williamson questioned road maintenance and proximity to residential dwelling units. She explained that the City of Garretson prides itself on being the city of parks and there will be a loss of revenue due to not being able to build more homes near the operation.

Gary Hanson, 112 171st St., identified himself as a resident of Jasper, Minnesota and believes there should be some kind of gentleman's agreement to honor Rock County, MN ordinance minimum separation criteria. Mr. Hanson expressed concerns the amount of rural water and number of buildings that can be built on the property.

Greg Franka, 912 Dallas St., explained that there is an approximately 35-foot drop at the top of the hill near the proposed building location. Mr. Frank continued to mention that there is no way one hundred percent of the nutrients are used every year. He added some research regarding a few odor issues from the particulates and nitrate release into the streams. Mr. Frank reiterated that the proposed use is not good for Garretson's water due to the close proximity.

Ms. Williamson questioned who else will be employed at this proposed facility. She continued to mention the safety concerns for children, management schedule, and concerns for the expectation that volunteer fire and emergency medical that show up to the proposed site.

Mr. Funke introduced Dave Coburn, the caretaker for the proposed swine facility.

Dave Coburn, 25732 482nd Ave., identified himself as the caretaker for the proposed farm site. Mr. Coburn indicated that he has an existing hog farm just north of Corson approximately 3 miles. He continued to explain that Sunterra is working with South Dakota companies as long as they meet two criteria: 1. setbacks; and 2. no other hog facilities within one mile of the site). Mr. Coburn added that there will be only one semi once per week and it will take a total of two semis to bring in the hogs.

Mr. Coburn explained that there will be two other employees along with Richard Funke and himself. He continued to explain the operations and management plan for the proposed facility. Mr. Coburn added that Mr. Funke plans to utilize the manure value that offers biodegradable, natural manure.

Commissioner Barth questioned if the petitioner will incorporate mulching deceased animals.

Mr. Coburn explained that the pigs will be placed in a container and picked up within 24 hours of death. He continued to mention that the facility can utilize its own cistern for water.



Commissioner Barth asked the petitioner if they would be willing to consider locating the building a little bit further off the state line.

Mr. Funke expressed agreement but questioned how far is a little bit off the state line. He continued to mention that he believes that this is the right location for the proposed swine building provided the zoning ordinance requirements.

Commissioner Barth asked the petitioner who would pay for burying the water pipe and Mr. Funke indicated that this is their own expense.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Barth indicated that the greatest inputs of nitrates are at the outflow of water from both Watertown and Sioux Falls. Commissioner Barth questioned the location of the building.

Commissioner Barth explained that technology used on farms has changed and improved over the years. Commissioner Barth added that maybe the petitioner could work with the adjacent landowner in Minnesota to move the building further back from the property line.

Commissioner Ode mentioned that he is in favor of the proposed use and believes there may be a certain fear factor among residents in the surrounding area. Commissioner Ode added that the Garretson sanitary sewer ponds are on the southwest side of the city and the predominant winds are from the south when people are more usually outside.

Commissioner Mohrhauser concurred with Mr. Coburn that there are better ways to help reduce the odor from the proposed swine facility.

Commissioner Randall reiterated what both Commissioners Barth, Ode, and Mohrhauser said.

Commissioner Ralston questioned if the three-quarters of a mile is far enough away, but understands why the petitioner placed the proposed building where it was placed.

Action

Commissioner Barth made a motion to **approved** Conditional Use Permit #18-10 and the motion was seconded by Commissioner Ode. The motion was passed unanimously.

Conditional Use Permit #18-10 – Approved



ITEM 9. CONDITIONAL USE PERMIT #18-15 to allow a Class B, Beef CAFO (1,500 AU) on the property legally described as NE ¼, Section 14-T103N-R50W.

Petitioner: Jared Questad

Property Owner: Evelyn Questad

Location: 25235 471st Ave.

Approximately 3 miles southwest of Baltic

Staff Report: David Heinold

This would allow a Class B, Beef CAFO (1,500 AU).

General Information:

Legal Description – NE1/4, Section 14-T103N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 160 Acres

Staff Report: David Heinold

Staff Analysis:

The conditional use permit request was deferred at the previous planning commission meeting to the April 23 Planning Commission to allow the applicant to either obtain the waivers from all of the residential property owners within the residential dwelling setback distance of 3/8 mile and/or put together a landscape plan certified by a registered professional landscape architect for shelterbelt trees.

The petitioner is requesting conditional use permit approval to allow a Class B, Beef Concentrated Animal Feeding Operation for 1,500 animal units. The narrative describes that the proposed hoop building will be 332'x50' to house 450 additional head of finishing cattle. The site has an existing capacity of 500 head with the intent of growing towards 1,500 head. The existing cattle barn has a full concrete floor with concrete walls, which the manure is scraped and hauled to the fields.

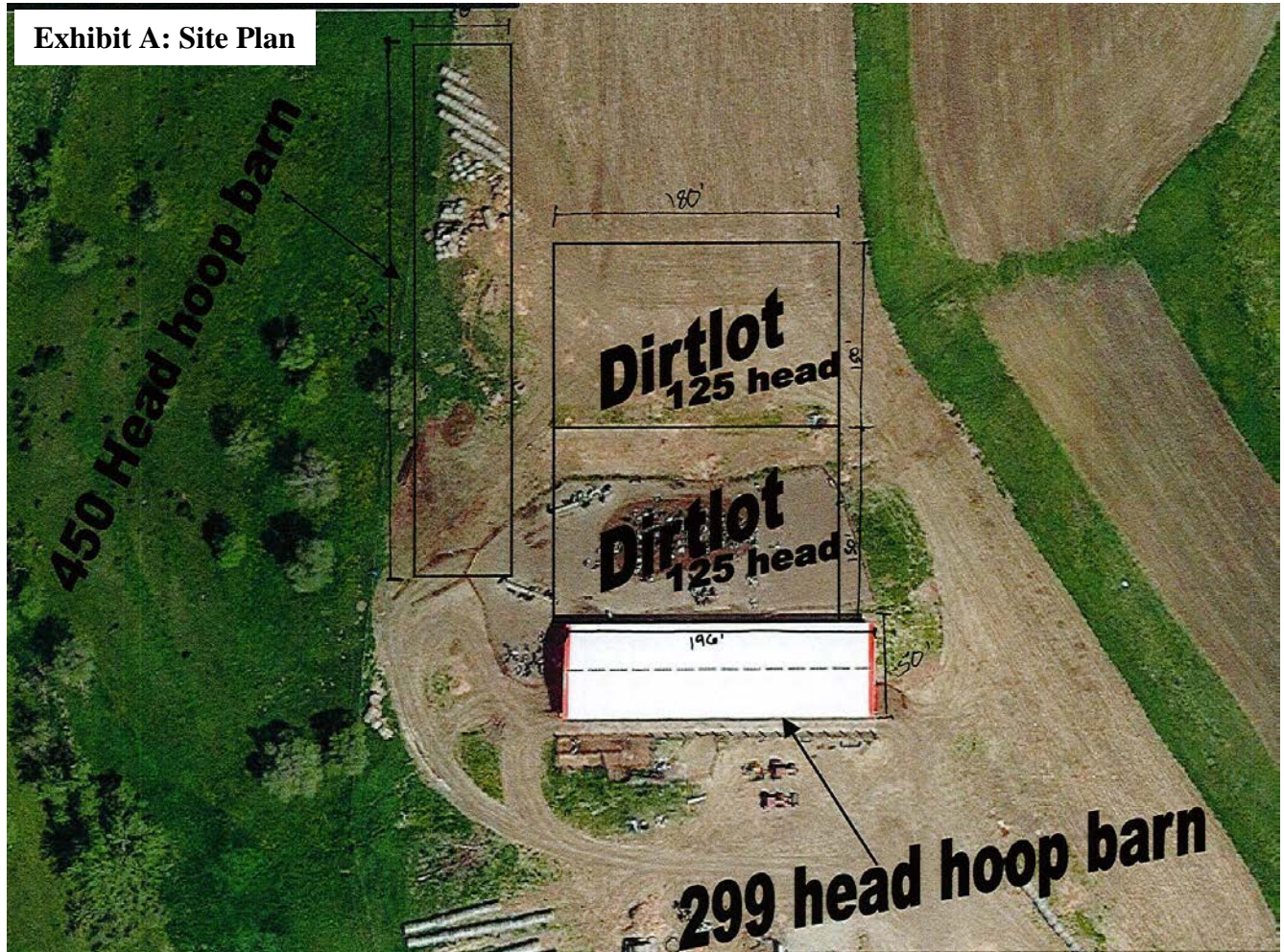
The conditional use application shall be accompanied, at a minimum, by the following information:

- (1). A description of the type of concentrated animal feeding operation and the number of animals proposed for the facility.
Applicant Response: *The proposed feedlot has 2 existing outdoor pens and an existing 300 head hoop barn.*
- (2). A site plan of the proposed facility including:
 - (a). The location of all existing and proposed structures, including manure containment facilities and confinement buildings and corrals. All new structures and corrals shall be located a minimum of 50 feet from any property line.



- (b). A grading plan designed to minimize contamination of stormwater runoff from manure containment facilities or animal pens.
- (c). All required site plan elements for a Conditional Use Permit as listed in Section 19.04.

Applicant Response: *Site Plan Included as Exhibit A.*



- (3). A dead animal disposal plan which complies with South Dakota Animal Industry Board requirements. Temporary dead animal storage or disposal sites shall be screened or located out of site from neighboring dwellings and the adjacent right-of-way.

Applicant Response: *Mortality management shall be done in compliance with one of the methods allowed by the South Dakota Animal Industry Board. Current mortality is disposed of by a rendering service that is contacted when mortality happens.*



- (4). A manure management plan including the following information:
- (a). Location and description of the manure containment facilities and structures.
 - (b). Description of type of manure and method of storage.
 - (c). Description of the proposed method and schedule for manure application.

Applicant Response: Manure is a valuable resource that is produced from the feedlot. We capture the manure by proactively scraping our dirt lots and hauling manure out to fields where the nutrients can benefit the crops that grow. In the existing barn we have a full concrete floor with concrete walls that we scrape the manure from and also haul to fields. We practice no-till farming on a majority of our acres, so in order for us to utilize the manure we spread a thin layer of manure in the fields. Spreading a lesser amount onto the fields reduces the impact of smell and also reduces the possibility of a runoff situation to occur.

- (5). Any applicable waivers for land use setback reduction as described in Section 12.10 (F). 2.

Applicant Response: The proposed feedlot is will require setback waivers from the two closest neighbors to the southeast and northwest, or a reduction in the setback can be made with planting landscaping tree grove as designed by a Certified Landscape Architect. I intend on obtaining waivers, and I am willing to plant the required trees if the waivers are not obtained.

A concentrated animal feeding operation which is granted a conditional use permit shall, at a minimum, meet the following requirements:

- (1). General Permit Requirement. A state general permit is required if any of the following situations are met.
Applicant Response: As a 1500 AU feedlot a DENR state general permit will be required when AU count exceeds 999. See additional information.
- (2). General Permit Record Keeping. When a state general permit is required, the operator shall maintain and have available the following records.
Applicant Response: As a 1500 AU feedlot a DENR state general permit will be required when AU count exceeds 999.
- (3). Construction Documents. The following documents are required, when applicable, before a building permit can be acquired.
Applicant Response: Current building is 196'x 50' and any additional building will be engineered to the specifications of a county building permit.



(F). Separation Requirements and Criteria for Concentrated Animal Feeding Operations.

- (1). Environmental Setbacks. A concentrated animal feeding operation shall comply with the minimum environmental separation requirements in Table 1.

Applicant Response: All environmental setbacks will be met as required by the Ordinance and as illustrated in the site plan

- (2). Land Use Setbacks. The minimum separation criteria in Table 2 shall be used in siting a concentrated animal feeding operation. The minimum separation criteria may be increased based on site specific conditions. When a proposed operation does not meet the minimum separation criteria, the following alternatives may apply.

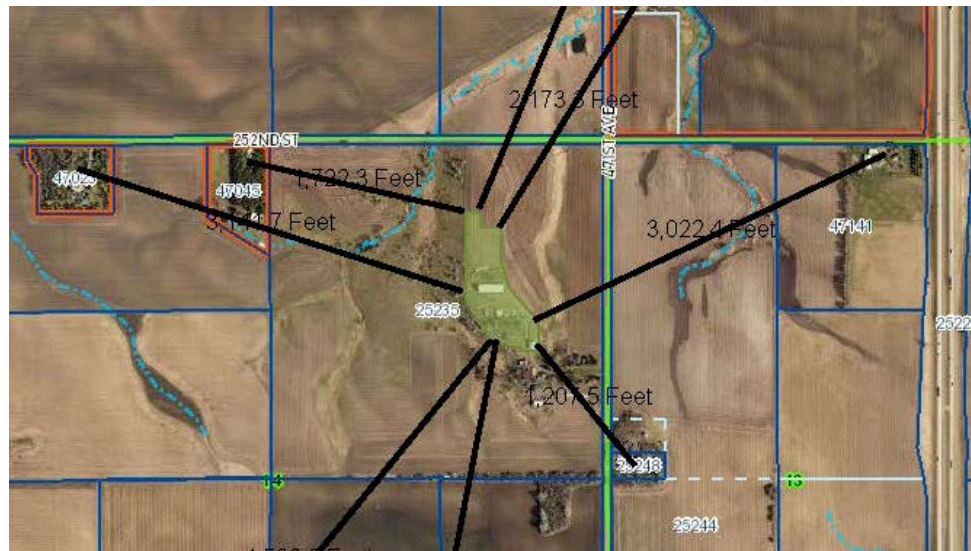
(a). Setback Reduction for Dwellings and Businesses.

1. A signed waiver from each landowner who owns land with a dwelling or business located closer than the minimum separation criteria.
2. In the absence of a waiver, the required setback may be reduced up to 50% if all of the following requirements are met:
 - i. The applicant must plant a shelter belt of trees between the proposed CAFO and the affected residence or business without a waiver.
 - ii. The shelterbelt must run the entire length of the footprint of the CAFO, and it must include a minimum of five rows of trees and consisting of both evergreen and deciduous species.
 - iii. The shelterbelt must be design to assist in the reduction of odor by a Professional Landscape Architect.
 - iv. The shelter belt shall be planted in the first year of obtaining a conditional use permit, and all trees that die must be replaced within one growing season.

Applicant Response: All land use setbacks will be met as required by the Zoning Ordinance other than that discussed regarding the two closest neighbors.



Staff created the map, below, that shows the setback distances to the nearest residential dwellings from the proposed concentrated animal feeding operation area as depicted in the submitted site plan.



(G). Manure Application Requirements.

- (1). The minimum separation requirements in Table 3 shall apply to the application of manure from a concentrated animal feeding operation.
Applicant Response: *All minimum separation requirements for manure application will be followed*
- (2). Liquid Manure Application.
Applicant Response: *N/A*
- (3). Other Than Liquid Manure Application.
Applicant Response: *The facility will consist of dry manure which will be spread on top of the ground in order to utilize the manure in our no-till farming practices.*

The petitioner has included additional information regarding the proposed Class B, Beef CAFO in the attached written narrative.



On March 15, 2018, staff met with the petitioner to verify the conditions of the site as well as the details submitted in the original application. The proposed site is appropriate for the surrounding area. Staff has not received a landscape plan and/or the waivers from residential property owners within the minimum separation setback distance for a Class B operation.

Staff created the map, at right, showing the approximate distances from the proposed building site for the cattle facility to the intermittent stream as delineated by the United States Geological Survey 7.5 minute topographic map. The minimum environmental separation requirement from intermittent streams or waterways is 100 feet for a Class B concentrated animal feeding operation.



On April 11, 2018, staff contacted the petitioner about the certified landscape plan submitted that shows a shelterbelt of trees to the east of the existing and proposed cattle area. The applicant attempted to contact the neighboring landowner to the northwest of the proposed cattle barn, but has not been able to discuss the proposal with the property owner. The landscape plan was designed to allow the maximum air flow through the site while attempting to adhere to the zoning ordinance requirements for minimum separation distance from residential dwellings. The property to the northwest is one of two residential dwellings within the minimum separation criteria; however, staff believes that the proposed tree planting on the east side and the existing trees on the south side of the facility should mitigate odor concerns for site built homes within the immediate vicinity as well as the travelling public on 471st Ave.

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 cattle operation is agricultural farmland and a few existing farmsteads within a half mile including the property owner's house. The described approximately six and half acre location of the operation meets the setback requirements for except for the residential home located to the southeast about a quarter mile. There is also a single family dwelling located about three-eighths of a mile to the northwest of the site, which falls within the setback distance for the proposed size operation. Waivers must be obtained from the two property owners within the minimum required setback for dwellings, or the petitioner may have a registered professional landscape architect develop a landscape plan for a shelterbelt of trees designed to assist in the dispersal of odors.



On March 15, 2018, staff discussed the requirements with the petitioner who plans to provide the necessary details regarding the planting of a shelterbelt if the waivers are not obtained.

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

The expansion 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 cattle operation.

Since this proposal would result in the expansion of an existing 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 future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area as well as through the decision-making process of either the planning or county commissioners.

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

The proposed location for the cattle operation is located a little over a mile from County Highway 137. The applicant plans to extend existing rural water and other necessary facilities to the proposed cattle hoop shed.

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

The operation is located on an approximately six and half 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.

The petitioner currently operates a cattle feedlot with an existing capacity of approximately 500 animal units. Due to proposed size expansion of the beef cattle feedlot, there are possibilities for creating nuisance problems. Of the problems, cattle operations primarily produce odor from the animal and manure facilities, and cattle operations increase traffic and workers that may increase the amount of dust created from the roads.

The submitted narrative includes a written explanation of odor management and analysis from the proposed use. 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. The existing facility has a rendering area at the end of the driveway within the trees just west of 471st Ave. Staff suggests that any existing or proposed rendering areas should be screened from adjacent properties as well as the travelling public on the township road.



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

The proposed expansion of an existing cattle feedlot will unlikely cause a significant increase to the public health, safety, and welfare concerns because of the relative low density of dwelling units in the immediate vicinity. The proposed cattle 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 subject property is located firmly within the Agricultural Production Area defined by the Envision 2035 Comprehensive Plan, which Goal 3 on Page 91 defines the sole purpose of this planning category to protect, preserve, and promote agricultural uses and the economic vitality of farming operations. Action 3.5 of the Plan states to evaluate potential constraints for operation and expansion of agricultural production such as separation criteria for concentrated animal feeding operations. The result of this evaluation step for expansion of existing and new operations is the facilitation of community feedback to mitigate land use impacts associated with intensive agricultural development in the rural area.

Recommendation:

Staff finds that the proposed use for a Class B, beef cattle concentrated animal feeding operation is consistent with the goals and actions of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-15 with the following conditions:

- 1.) The facility shall not exceed 1,500 animal units in size.
- 2.) 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.
- 3.) The facility shall conform to the submitted site plan. 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.
- 4.) A rendering service must be used to pick up and remove dead animals from the property. All temporary dead animal storage disposal sites shall be screened or not visible from neighboring dwellings or the public right-of-way.
- 5.) A landscaping plan shall be submitted to the Planning Department consisting of shelter belt trees on the east side of the proposed cattle shed in accordance with Section 12.10 (F) (2) (a) of the 1990 Revised Zoning Ordinance for Minnehaha County. The trees shall be maintained in a live state.
- 6.) That a detailed set of architectural, structural, mechanical, electrical, and engineered foundation design plans, all have to be stamped and sealed by the respective licensed professionals.
- 7.) A building permit is required for all structures prior to construction.
- 8.) 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

David Heinold, County Planning, presented a brief summary of the staff report.

Jared Questad, 25176 471st Ave., identified himself as the petitioner and mentioned that the residential dwelling located to the southeast of the subject property falls within the minimum setback for the proposed cattle operation. Mr. Questad explained that he may move the existing open lot cattle yard on the south side of the trees to accommodate the landowner to the southeast.

Mr. Questad indicated that the neighboring landowner to the northwest is not openly opposed, but has concerns about signing the waiver form for the proposed cattle operation. He continued to mention that the neighboring landowner to the southeast didn't want to talk about the use.

Commissioner Ode added that it is nice to see the younger generation going into agriculture.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Ralston asked staff about the requirement for the waivers.

Mr. Heinold explained that the landscape plan provided by the applicant reduces the minimum setback distance by up to 50%, which the landowner to southeast would fall just outside of the setback reduction for a Class B, beef cattle CAFO.

Action

Commissioner Ralston made a motion to **approved** Conditional Use Permit #18-15 and the motion was seconded by Commissioner Ode. The motion was passed unanimously.

Conditional Use Permit #18-15 – Approved



ITEM 10. REZONING #18-03 to rezone from the A-1 Agricultural District to the C Commercial District on the property legally described as Tract 3, Oyen's Addition, W1/2 NE1/4, Section 1-T103N-R50W.

Petitioner: Lance Warne
Property Owner: Performance Property & Management LLC
Location: Approximately 2 miles west of Baltic
Staff Report: Scott Anderson

This would rezone from the A-1 Agricultural District to the C Commercial District.

General Information:

Legal Description – Tract 3, Oyen's Addition, W1/2 NE1/4, Section 1-T103N-R50W
Present Zoning – A1 Agriculture
Existing Land Use – vacant
Parcel Size – 2.36 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting to rezone the 2.36 acre parcel to C Commercial. No specific plans for development have been indicated. Staff conducted a site visit on April 4, 2018. The area along the south side of County Highway 144 east of the I-29 Baltic exit is generally commercial property, while all of the property along the north side of the county highway is agriculture. The subject property is part of a significant hillside and future development will have to take the slope into account.

Envision 2035, Minnehaha County's recently adopted comprehensive plan, encourages commercial uses at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern, as specified in Action 1.4 on page 30 of the plan.

While the applicant is only rezoning approximately 2.4 acres of land at this time, there is an existing twelve (12) acre commercial node located at the Baltic exit. The Baltic Interchange has the potential to develop into a significant commercial/industrial area. It is likely that commercial/industrial development will continue at this interstate interchange as growth along the I-29 corridor continues. The subject property meets this criterion of the County's Envision 2035 Comprehensive Plan and an expansion of the existing commercially zoned land in the general vicinity.

Recommendation: Staff recommends **approval** of Rezoning #18-03 to rezone the subject property from A-1 Agricultural District to C Commercial District.

Public Testimony

Scott Anderson, County Planning Director, presented a brief overview of the staff report.

Commissioner Mohrhauser questioned if there has been any speed studies done for this road.



Lance Warne, 47165 250th St., identified himself as the petitioner and asked the Planning Commissioners if they had any questions.

Commissioner Duffy questioned the intended use for the subject property.

Mr. Warne indicated that the future use of the subject property would most likely be storage units.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Action

A motion was made to **recommend approval** by Commissioner Barth and seconded by Commissioner Ralston. The motion passed unanimously.

Rezoning #18-03 – Approval Recommended



ITEM 11. REZONING #18-04 to rezone from the A-1 Agricultural District to the C Commercial District on the property legally described as Dawson's Tract 1, SE1/4, Section 12-T102N-R50W.

Petitioner: Tim Tiaht

Property Owner: same

Location: 25773 472nd Ave. - Approximately 2.5 miles north of Sioux Falls

Staff Report: Scott Anderson

This would rezone from the A-1 Agricultural District to the C Commercial District.

General Information:

Legal Description – Dawson's Tract 1, SE1/4, Section 12-T102N-R50W

Present Zoning – A1 Agriculture

Existing Land Use – single family residence

Parcel Size – 1.67 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located on the northeast corner of the Crooks exit off I-29. The other four corners of this exit have extensive commercial and industrial development. The properties surrounding this parcel are zoned agricultural; however residential dwellings are located directly to the east of the site. The property to the east is buffered well from the development because of a tree belt located adjacent to the Tiaht property.

The subject property a residential site. The applicant owns the 3 acres commercial site adjacent to the north. The property to the north has been developed commercially as storage units. The applicant has no immediate plans for the subject property. It must be noted that once rezoned the existing residence located on the subject property would become a non-conforming use. As such, the non-conforming use will need to meet the requirements of the Zoning Ordinance.

Envision 2035, Minnehaha County's recently adopted comprehensive plan, encourages commercial uses at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern, as specified in Action 1.4 on page 30 of the plan.

While the applicant is only rezoning approximately 1.7 acres of land at this time, he owns the property adjacent to the subject property and has an overall plan for his property. The Crooks/Renner Interchange has been developing into a significant commercial/industrial area over the past 10 years. There have been several rezoning requests approved at the southeast and northwest quadrants of the interchange. It is likely that commercial/industrial development will continue at this interstate interchange. The subject property meets this criterion of the County's Envision 2035 Comprehensive Plan and an expansion of the existing commercially zoned land in the general vicinity.

Recommendation: Staff recommends **approval** of Rezoning #18-04 to rezone the subject property from A-1 Agricultural District to C Commercial District.



Public Testimony

Scott Anderson, County Planning Director, presented a brief overview of the staff report.

Commissioner Barth questioned if the building eligibility would remain available for use.

Mr. Anderson explained that the building eligibility will be removed once the property is rezoned to commercial.

Tim Tiahart, 25524 472nd Ave., identified himself as the petitioner requesting the rezoning of the subject property to the C Commercial District.

Commissioner Duffy questioned the plan for the current house once the property is rezoned.

Mr. Tiahart explained that the house will most likely be put up for auction once his father decides to leave, then the proposed use would be for a continuation of self-storage units.

Action

A motion was made to **recommend approval** by Commissioner Ralston and seconded by Commissioner Barth. The motion passed unanimously.

Rezoning #18-04 – Approval Recommended



ITEM 12. CONDITIONAL USE PERMIT #18-21 to allow a Class B, Cattle CAFO (1,999 AU) on the property legally described as W1/2 NE1/4 (Ex. H-1), Section 18-T102N-R50W.

Petitioner: Tyler Klein

Property Owner: Terry Klein

Location: 46661 258th St.

Approximately 3 miles northeast of Hartford

Staff Report: Kevin Hoekman

This would allow a Class B, Cattle CAFO (1,999 AU).

General Information:

Legal Description – W1/2 NE1/4 (Ex. H-1), Section 18-T102N-R50W

Present Zoning – A1-Agricultural

Existing Land Use – Farmstead and Feedlot

Parcel Size – 79.49 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 3 miles northeast of Hartford along County Highway 130 (258th Street). The petitioner would like to expand an existing beef CAFO that holds 1,000 beef cows to a Class B beef CAFO with up to 1,999 cows. This would be 1,999 animal units when calculated within the County zoning ordinance. This proposal is a Class B CAFO, and it would require to obtain a State General Permit from the SD Department of Environment and Natural Resources.

In February 2016, the petitioner applied for and received a permitted special use permit to expand an existing CAFO up to 1,000 animal units. Staff found that the petitioner met the requirements to allow the expansion. The feedlots have been rearranged since the expansion permit was issued, and a lagoon was added to contain livestock production surplus water. Open feedlots are visible on aerial photography of the property dating back to 1981.

The proposed facility is larger than 1,000 animal units which triggers that the operation must obtain a state General Permit. The CAFO is not located over a mapped shallow aquifer, watershed protection area, or floodplain. The state General Permit will have a requirements for the petitioner to test the soils and take necessary precautions to avoid contamination of any waters. A large monoslope barn is proposed to be constructed on the site which will contain much of the expansion of animal units.

The site plan is an important aspect of any conditional use permit. Below is a list of required site plan elements for general CUPs as well as the last two elements that specifically address requirements for CAFOs. The required elements are listed in bold font at the beginning of the following paragraphs, and each listed element includes a description of the petitioner submitted materials that regard each element. The petitioner has provided several site plans that show



many details as well as a detailed report of building sizes and site elements. In addition, a two page narrative was submitted to accompany the application and site plan. Some of the required site plan elements are described within the narrative.

The address of the property and the legal description. The address of the expanding beef CAFO and farmstead is 46661 258th Street, as it is shown on the application. The application also includes the legal description of the property.

The name of the project and/or business. The submitted narrative includes the business name of Klein Farm. It will be operated by Tyler Klein.

The scale and north arrow. North is either labeled on the site plan or a compass is included. The tree plan does not include these items, but north is orientated toward the top of the tree plan. A scale bar is included on the site plans other than the tree plan. The tree plan lists distances of the planting area on the map.

All existing and proposed buildings or additions. Several of the site plans include an aerial photo as the background of the maps. The aerial photos show where existing buildings are, and the sizes of the existing structures are described in written details. The site plan includes one proposed barn in the northeast corner of the farm which is shown s 360 feet by 100 feet.

The dimensions of all buildings. The dimensions of the proposed confinement building are listed in the submitted details. The dimensions of the proposed new building to be 100 feet by 360 feet in size. The new barn is proposed to hold approximately 750 animals of the total 1,999 proposed size.

The distance from all buildings to the property lines at the closest points. The details described by the petitioner shows that proposed CAFO will meet property line setbacks with the barn being located approximately 577 feet from the front property line and 50 feet from the nearest property line on the east. All other confinement buildings and manure containment facilities are existing on the property.

Building height and number of stories. The height of the building is stated as 18 feet at the low side of the monoslope barn. The animal feeding barn will have only one story to keep the animals. Agricultural structures do not have a height limitation.

Dimensions of all property lines. The dimensions of the property lines are not included on the site plan. The property is approximately 80 acres in size for the parcel that contains the CAFO. The property lines follow the legal description of W 1/2 NE 1/4 of the section.

Parking lots or spaces; designate each space; give dimensions of the lot, stalls, and aisles. The proposed land use is for agricultural purposes on a large lot. Parking lots and



space requirements are typically calculated for commercial and industrial uses. The proposed site will use the existing access off of 258th Street. The site will be large enough to allow for parking and maneuvering. No parking or loading will be allowed within the right-of-way.

Screening including height, location, and type of material to be used. - And similarly - The landscape setback and trees indicating the species of trees and materials to be used for landscaping. The petitioner has submitted a site plan that includes an area of new tree plantings on the north side of the property. The trees have already been planted on the site. Existing mature trees are located on the west side of the CAFO. No further landscaping has been proposed. The CAFO meets setbacks for the nearest dwellings on the east and south.

Name and location of all adjacent streets, alleys, waterways and other public places. The site plans generally include the names of the nearest streets. An intermittent stream flows through the 80 acre parcel. The ordinance requires 100 feet buffer from an intermittent stream, and the proposed plans will meet that buffer. Previous aerial imagery appears that cattle were occasionally kept in the area of the proposed stream, but the proposed map does not include that to continue. No known public places are located nearby.

A grading plan designed to minimize contamination of stormwater runoff from manure containment facilities or animal pens. A detailed grading plan was submitted that shows a drainage ditch surrounding the facility to direct off-site water around the CAFO. Rainwater that falls within the CAFO will flow through settling basins and get pumped into a lagoon located on the southeast side of the site. Approximately 750 animals will be located within a covered barn where animals and manure will be under a roof to keep dry.

The location of all existing and proposed structures, including manure containment facilities and confinement buildings and corrals. All new structures and corrals shall be located a minimum of 50 feet from any property line. The aerial photos within the site plan show the existing buildings. The proposed building is located in the northeast corner of the site. The new barn will meet the minimum setback from the closest property line to the east.

Staff finds that the site plans and narrative depicts an accurate representation of the proposal, and that the information presented in the site plans are enough to obtain compliance with site plan requirements.

Setbacks and other requirements.

In relation to the site plan, the 1,999 animal unit operation will require a 1,980 foot buffer from a dwelling, church, or business. The setback can be reduced for properties which have submitted a signed waiver for the proposed CAFO. The petitioner has submitted waivers for the two closest



dwelling located north of the site. The remaining dwellings, churches, and businesses in the area are located outside of the required setbacks.

In addition to site plan elements and setbacks, an application for a CAFO is required to submit other plans and meet requirements. These ordinance requirements are explained in the submitted narrative. Dead animals will be removed by a rendering service. A contained holding area is depicted in one of the site plans to be located south of the recently planted tree grove and along the driveway. The manure management plan indicates that manure will be maintained on site in a solid state. Manure will be applied twice a year in the spring and fall. The monoslope barn includes an area where manure mixed with bedding will be stored between land applications. The open lots will have settling basins to contain manure and a lagoon to trap water runoff from rain and snow. This runoff water is considered as livestock production surplus water under the county zoning ordinance. The petitioner has noted that he intends on utilizing the surplus water to irrigate nearby crop land. A submitted plan shows intent to have a center pivot irrigation to spread the water on land immediately south of the CAFO. The zoning ordinance has some specific considerations for land application of livestock production surplus water.

The Planning Director may approve surface application of livestock production surplus water upon receiving an application from the producer that is approved by a certified crop consultant or registered engineer. Such application shall include:

- 1. The results of tests on the livestock production surplus water proposed for surface application which shows the percentage of solids and the amount of N (nitrogen) per 1000 gallons of water.*
- 2. The amount of livestock production surplus water to be applied.*
- 3. A map showing the areas on which the producer proposes to surface apply the livestock production surplus water including soil types, slopes, and the required separations from natural features or adjoining land uses.*
- 4. The separation requirements in Table 3, Section 12.10 (G) shall be met.*

For clarification, livestock production surplus water is not the same as manure. It is defined as *that waste water resulting from an animal feeding operation which does not contain more than 2 percent solids nor more than 1 pound of nitrogen as N per 1000 gallons of water. Such water may include, but not be limited to, rain or snowmelt water from open feeding lots, wash water from a dairy operation, or flush water from a confined feeding operation.* When staff visited the site, a large flock of ducks were wading in the water of the lagoon.

Staff has found several operations within the county which irrigate with livestock production surplus water. The petitioner noted that irrigation will only take place approximately two times a year while the crop is actively growing. Conditions can be placed on the permit to ensure compliance with the ordinance and to minimize any potential concerns for nuisance spray. Some possible conditions may include testing at regular intervals and requirement or applying water in accordance with the nutrient management plan that will be monitored by the state DENR. If the planning commission finds it necessary, conditions may include application requirements such as maximum wind speed during application, number of days application can occur, or additional



tree plantings around the irrigation area. Further conditions may be applied if the Planning Commission deems it necessary to allow irrigation of livestock production surplus water.

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 CAFO expansion is located within predominantly agricultural area and expanding an existing site. A couple single family dwellings are located within the required setbacks as noted earlier in the staff report, and those property owners have signed the required waivers. The experience of current neighbors is unlikely to significantly change complained with the current operation. An existing and recently planted tree belt should reduce smells and site lines of the facility from the nearest dwellings north 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 surrounding land uses of the proposed CAFO are predominantly agricultural with several single family dwellings and farmsteads. Agricultural uses such as crops and livestock will likely continue into the future of the area. The expansion of a CAFO will unlikely affect further agricultural development in the area, and it may increase value with easy access to manure for fertilization of the soils. In general, when intense land uses such as CAFOs increase in numbers, residential uses may become less desirable in close proximity to this type of project. Expanding an existing facility should help reduce the negative aspects that would affect future development. The nearest cities, Hartford and Crooks, are each located over two miles away from the site. Future residential development will be required to have the Right-to-Farm Covenant placed on the deed prior to construction of a dwelling.

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

The proposed facility will use the existing driveway. The petitioner will have to extend any utilities to the proposed new barn. Grading and drainage are shown on the site plan.

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

The operation is located on a large 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.

The petitioner is requesting an expansion of an existing CAFO facility. The inherent nature of a CAFO like this has the potential to create nuisances if not managed properly. This is especially true for odor, fumes, and dust. The petitioner has maintained and expanded tree groves around the north and west sides of the site to reduce potential nuisances. Any management practices included in the narrative will be expected to be carried out. In addition, the Planning Commission has the ability to add conditions if they feel the petitioner's plans and staff



recommendations are inadequate to mitigate nuisances.

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

The proposed CAFO expansion will have to comply with the conditions of this permit and the regulations for CAFOs in the 1990 Revised 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 also required to obtain a State permit because of its size.

The proposed CAFO is located firmly within the Agricultural Production Area of the Envision 2035 Comprehensive Development Plan. In the description of this designated area, a goal of the Envision 2035 Comprehensive Development Plan is to “protect, preserve, and promote agricultural uses and the economic viability of farming operations.” The updates proposed in this CAFO permit bring the CAFO into setback compliance with the intermittent stream on the property, and the required state general permit will monitor nutrient application for proper management of nutrients in the soils. Both these updates are beneficial for reducing potential pollutants in waterways which are also important for environmental stewardship as expressed in the Comprehensive Plan.

Recommendation:

Staff finds that the proposed facility meets the requirements of the ordinance and the goals of the comprehensive plan. Staff recommends **approval** of CUP #18-21 with the following conditions:

- 1.) The facility shall be limited to 1,999 animal units in size.
- 2.) The CAFO shall comply with all applicable regulations of the County Zoning Ordinance.
- 3.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the Planning Director at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 4.) The proposed CAFO must obtain the State General Permit prior to the facility being populated above 1,000 animal units.
- 5.) The livestock production surplus water must be annually tested for percentage of solids and amount of N (nitrogen) per 1,000 gallons of water. The operator must retain copies of the test results for inspection by the county at any time.
- 6.) Livestock production surplus water must be applied to the land area as shown on the submitted map. Land application of livestock production surplus water must be done in accordance with the nutrient management plan which is reviewed with the State General Permit.
- 7.) The proposed barn shall have engineer certified drawings that shall be submitted for review by the Building Inspector prior to the issuance of a building permit.
- 8.) A building permit is required for all structures prior to construction.
- 9.) 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

Kevin Hoekman, County Planning Staff, presented a brief summary of the staff report.

Commissioner Ode requested clarification on the type of concentrated animal feeding operation. Mr. Hoekman noted that cows should be changed to cattle in the staff report analysis.

Commissioner Barth asked planning staff if there was consideration in adding a condition for test wells on the subject property. Mr. Hoekman clarified that the proposed CAFO site is not located over a shallow aquifer, but could be a consideration if needed.

Tyler Klein, 46661 258th St., identified himself as the petitioner for the request to allow a CAFO.

Commissioner Duffy asked the petitioner is the proposed CAFO is a family operation. Mr. Klein explained that he custom feeds for a few people and the operation is 50-50 split risk operation.

Commissioner Barth asked the petitioner how the manure will be contained from the water runoff. Mr. Klein explained that the entire system was redone in 2016 into a 100% containment system. The system takes all the runoff water from inside the system into the lagoon and outside water is diverted away from the facility into the nearest stream.

Nanette Cain, 25775 467th Ave., identified herself as the owner of farmland across the road to the north of the subject property. Mrs. Cain indicated that they are not opposed to the proposed cattle operation as well as mentioned a few concerns over odor and fly control from the site.

Mr. Klein explained that he doesn't want flies any more than anyone else. He continued to mention the operations and management plan for odor and pest control. Mr. Klein added that the bed pack will stay inside the barn other than the times it gets hauled out to the fields. He explained that there won't be a large area of open face manure located on the property.

Commissioner Mohrhauser asked the petitioner what will be done with the contaminated water.

Mr. Klein explained that he has consulted with the engineer on solutions to address management of the contaminated water at the site.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Barth stated that he appreciates the comments regarding flies and odors.



Commissioner Barth made a motion to approve the conditional use permit request with the conditions as stated and asked for the petitioner to work in good faith with the neighbors on odor and pest control.

Commissioner Duffy indicated that being a good neighbor is beneficial for everyone in ensuring that the proposed use does not cause negative impacts to the surrounding property owners.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-21 with the conditions and the motion was seconded by Commissioner Mohrhauser. The motion was passed unanimously.

Conditional Use Permit #18-21 - Approved



Old Business

None.

New Business

Kevin Hoekman, County Planning Staff, provided a powerpoint presentation on the subject of the potential for tiny house development in Minnehaha County. There was discussion amongst the planning commission members and planning staff. No one was present in the audience to speak on this new business item.

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously. The meeting was **adjourned** at 9:57 p.m.