

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**

November 25, 2013

A meeting of the Planning Commission was held on November 25, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Mike Cypher, Becky Randall, Jeff Barth, Mark Rogen and Bonnie Duffy.

STAFF PRESENT:

Scott Anderson and David Heinold - County Planning

The meeting was chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made by Commissioner Cypher and seconded by Commissioner Duffy to **approve** the consent agenda with the meeting minutes from October 28, 2013. The motion passed unanimously.

ITEM 1. Approval of Minutes – October 28, 2013

REGULAR AGENDA

A motion was made by Commissioner Cypher and seconded by Commissioner Rogen to **approve** the regular agenda. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #13-056 to transfer 1 building eligibility from the SW1/4 to TR 1 Nelson's Addition SE1/4SW1/4 Section 18-T101N-R47W.

Petitioner: Harley D. Skyberg

Property Owner: same

Location: 48438 265th St. approximately 5 miles east of Sioux Falls

Staff Report: Scott Anderson

General Information

Legal Description – Tract 1 Nelson's Addn. SE1/4 SW1/4 Section 18-T101N-R47W

Present Zoning – A1

Existing Land Use - Residential

Parcel Size – 2.88 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant wants to transfer a building eligibility from the SW ¼ of Section 18, T101N, R47W to Tract 1 (Ex E140') of Nelson's Addition in the SE ¼ SW ¼ of Section 18, T101N, R47W. The applicant has indicated that moving the eligibility would allow for the residential use of an existing platted lot with accessory structures but no residence. The lot was created but no eligibility assigned to it.

On October 4, 2013, staff conducted a site visit. There are no animal confinement operations near the location of the transfer. The transfer is located in an area with several residential lots to the east, west and south. There are two large accessory structures on the subject property. A 24' by 70' accessory structure was constructed in 1994 and in the following year a 32' by 100' accessory structure was built. In 2012 there was a fire in the 24' x 70' structure and the applicant obtained a building permit to remodel and repair that structure.

This item was heard by the Planning Commission at the October 28, 2013 meeting. Several area residents came to the meeting and testified that there was a business occurring in one of the accessory structures and that the other was a residence. Mr. Skyberg indicated that he would be building a new residence on the subject property. The Planning Commission continued this item to the November meeting and asked staff to conduct an investigation into the use of the structures. Staff met with Gary Skyberg on October 31, 2013 on the site. Mr. Gary Skyberg opened each building and allowed staff to inspect them. The 24' x 70' building is not being used for a residence. It does have a bathroom and some general storage cabinets, but it was evident that no one was living there. An inspection of the larger 32' x 100' accessory structure revealed that there was a shop area but there was no evidence of a repair shop. There were no vehicles there being repaired and no repair inventory. Staff concludes that both buildings are being used by the applicant for his own use.

The applicant showed staff the 6 piglets, which were housed in a small leanto next to the applicant's garden. No sheep were present. Neither the piglets nor the sheep constitute a zoning violation as the property is zoned A-1 Agriculture. The applicant also showed staff the general location of the proposed residence, which is northeast of the existing accessory structures.

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

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

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

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

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

Rural water is available in the area and a waste water system will be utilized. The proposed building site will use a driveway that will come off of 265th Street.

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

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

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

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

Staff's investigation indicates that there are no zoning violations on the property. The transfer of a building eligibility and evidential construction of a single family residence will allow for full usage of the existing platted lot.

Recommendation: Staff found this conditional use permit request to be consistent with density zoning and recommended **approval** of Conditional Use Permit #13-56 with the following condition:

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

PUBLIC TESTIMONY

Staff presented a summary of findings from the October 31st meeting with the petitioner. The petitioner nor the general public had any additional questions.

ACTION

A motion was made to **approve** Conditional Use Permit #13-056 by Commissioner Rogen and seconded by Commissioner Randall. The motion passed unanimously.

Conditional Use Permit #13-056 - Approved

New Business

“Proposal for Livestock Odor and Manure Management” by Jeff Thue of Reaves Building System.

Jeff Thue, Kerwin Miller, and Darrel Christenson presented a proposal for Aerobic Manure Management that eliminates odor from swine and cattle feedlot operations. Reaves/Expert Co. were awarded a Natural Resources Conservation Service Conservation and Innovation grant to develop an innovative center pivot irrigation system that helps save the cost to governmental entities on roads as well as improve soil health, hydrography, and air quality.

Commissioner Cypher noted that they are talking about hog manure, not fibrous cattle manure. Kerwin said that they have done them all. Commissioner Cypher asked, where have dealt with cattle manure? Kerwin responded that Oaklane Colony has 300 cows. Commissioner Cypher stated that is not that many to him.

Commissioner Cypher added that for us as a County to say let's do this, we can't do that, we have to have proof. Commissioner Cypher noted that he hasn't seen a 9 million gallon dairy unit. He indicated that, especially with dairy units, the laws of physics would not allow 9 million gallons on a 1 horsepower pump in one hour.

Commissioner Barth asked, what are you doing to transform this stuff into a different kind of substance? Is there an enzyme, bacteria, or chemical that is used in this process? Kerwin stated that no enzymes are used; the circulator brings the solid up from the bottom slowly and when it moves across the water it breaks the molecules down because it generates oxygen in the water, which helps eat up all the bacteria. Kerwin noted that the transformation process is done by the microbes in that they want to encourage the aerobic microbe population with more oxygen to help them live and multiply to pull apart the solids in the lagoon.

Commissioner Barth asked, will the process require a pipeline to transport to different locations? Kerwin said that a pipeline would be the preferred method of transporting to different locations. He proceeded to mention that this is not a new technology by any means, it is a process that has been continually refined and adapted to meet the changing needs of innovation in the agricultural sector. He stated that the process does not move the water fast enough to disturb the bottom of the lagoon, so that we are not tearing up the clay liner that Raven might have installed.

He mentioned that they are working with Raven Industries and South Dakota State University on a couple hard sites that have a little bit of a problem with compaction so this is not something we haven't dealt with. Our systems move the circulators and water fast enough to convert total nitrogen to ammonium form. The process helps ensure that the lagoons are not over oxygenated, which would otherwise cause nitrate and nitrite formation. Kerwin stated that removing sludge is a very expensive and does have potential issues with damaging the liner.

Commissioner Steinhauer noted that with limited time and resources, Planning Department staff will need to expend its' resources to conduct further research of the technology through site visits, demonstrations, and other valuable learning opportunities. Commissioner Barth added that as a County Commissioner he would be interested in learning more about this innovative technology since the County has had prior issues with aerosols rafting onto the highway and broken pipes with millions of gallons in the road ditch. He noted that while Brown County may be number one in agricultural income, Minnehaha County went from number three to four.

Darrel Christensen stated that the reason they are here tonight is to start a dialogue between the County and Reaves Building Systems on this aerobic manure management system. He provided clarification that the process works to keep manure out of the lagoons and that the 9 million gallons is pumped using multiple pumps, not just on a single pump. He also noted that they do not expect the County to become firm believers in the technology right away because it took three and a half years to developing a successful model that is growing in scientific proof with its' popularity. Currently, SDSU is working hard to become a firm believer in the technology to help farmers and regions realize the widespread benefits it has to offer.

He said that the main goal is to allow more people to participate in the process with a better and broader range of solutions. Commissioner Cypher stated that this follows in line with our CAFO standards, which are suggested criteria because as technology changes we need to adapt our practices. Staff mentioned that the Zoning Ordinance is set in stone and does not allow the application of liquid animal waste by irrigation. Commissioner Cypher indicated that it should be because of past agricultural practices. The technology will be further explored by staff and Planning Commission members to continue to learn about this innovative system.