

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 22, 2017**

A joint meeting of the County and City Planning Commissions was scheduled on May 22, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Doug Ode, Bonnie Duffy, Paul Kostboth, Mike Ralston, Becky Randall, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Andi Anderson, Katherine Fiegen, Sharon Chontos, Kurt Johnson, and John Paulson.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Diane de Koeyer and Albert Schmidt – City Planning
Judy Zeigler Wehrkamp – States’ Attorney

The County Planning Commission Chair was presided over by Chair Mike Cypher. The City Planning Commission was chaired by Kurt Johnson.

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:00 p.m.

Consent Agenda

The Minutes for the April 24, 2017 meeting was the only item on the consent agenda.

ITEM 1. Approval of Minutes – April 24, 2017

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** the meeting minutes from April 24, 2017. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Fiegen to **approve** the meeting minutes from April 24, 2017. The motion passed unanimously.

Regular Agenda

A Motion was made to accept the regular agenda by Commissioner Barth. The motion was seconded by Commissioner Duffy. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson, and seconded by commissioner Chantos. The motion passed unanimously.

ITEM 2. ZONING TEXT AMENDMENT #17-01 to amend the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls for revision of the boundaries of joint jurisdiction

Petitioner: City of Sioux Falls Planning Department
Staff Report: Albert Schmidt

This would recommend a revision to the joint jurisdiction boundary for the City of Sioux Falls.



Date: April 27, 2016
To: Minnehaha County and City of Sioux Falls Planning Commission Members
From: Albert Schmidt
Subject: Joint Jurisdiction Ordinance Update

Memo

The Shape Sioux Falls 2040 Comprehensive Plan was adopted by Minnehaha County and the City of Sioux Falls on March 28, 2017. This comprehensive plan update included an increase in the joint jurisdiction area between Minnehaha County and the City of Sioux Falls. This ordinance mainly updates that boundary to match the boundary shown in the adopted Shape Sioux Falls 2040 plan.

The full document is available for review any time via the City of Sioux Falls' website at: <http://www.siouxfalls.org/shape-sf>

We are looking for a recommendation for approval to the Joint County Commission/City Council.

PUBLIC TESTIMONY

Albert Schmidt of the City of Sioux Falls Planning Department presented the proposed amendment to the Joint Zoning Ordinance. He noted that the amendments were a result of updating the Shape Sioux Falls 2040 Comprehensive Plan

No one spoke for or against the item and no discussion happened from either Planning Commission.

ACTION

A motion was made for the County by Commissioner Barth to **approve** Zoning Text Amendment #17-01. The motion was seconded by Commissioner Kostboth. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Chontos to **approve** Zoning Text Amendment #17-01. The motion passed unanimously.

Zoning Text Amendment #17-01 – Recommended for Approval.

ITEM 3. CONDITIONAL USE PERMIT #17-38 to allow a Solid Waste Transfer Station – Store Biosolids on the property legally described as N1/2 NE1/4 (Ex. H-1), Section 6-T101N-R48W.

Petitioner: Jon Fischer (Stockwell Engineers)

Property Owner: William Ode

Location: Approximately 1 mile east of Sioux Falls and
4,500 feet south of Rice Street on Six Mile Rd.

Staff Report: Scott Anderson

This would allow a Solid Waste Transfer Station – Store Biosolids.

General Information:

Legal Description – N1/2 NE1/4 (Ex. H-1), Section 6-T101N-R48W

Present Zoning – A1 Agricultural

Existing Land Use – Agriculture

Parcel Size – 78.34 acres

Staff Report: Scott Anderson

Staff Analysis: The City of Brandon is applying for a conditional use permit to allow for the bio-solid storage area. The material is dried and will be moved from the bottom of the City's lagoons and stored at the proposed site. The bio material will then be land applied in a beneficial way serving as fertilizer. The applicant indicates that approximately 1,870 dry tons of material will be removed from the bottom of the lagoons and stocked on site. Stockwell Engineering has prepared a detailed narrative of the propose use which is included for the Planning Commission's review.

The proposed site will be approximately 190 feet by 500 feet in area and is located in the middle of the 78 acres parcel. Currently there is a field approach that will provide access to the site. A staff site inspection on May 3, 2017 found that there was only minimal crushed rock on the field approach. Given the truck traffic that will be accessing the site, staff recommends that the field approach be improved to a width of 24'. The access road should have a minimum of 4" of crushed rock to prevent mud tracking onto Six Mile Road. The applicant must obtain a new approach permit from the County Highway Department.

The closest residence is approximately 1,700 feet to the southeast at 2901 N. Six Mile Road. There is an established shelterbelt between the house and the proposed storage site. In addition, the rolling topography screens the site.

The Conditional Use Permit request was routed to the City of Sioux Falls for review. The City of Sioux Falls provided staff with three areas of concern. They are that the City of Brandon has not provided any documentation that approval has been obtained from South Dakota DENR. They expressed concern with the location. The area has slopes that exceed 6% and the City of Sioux Falls cannot surface apply biosolids on slopes greater than 6%. Sioux Falls is concern

about accidental spill run off. Lastly, Sioux Falls question the moisture content of the dewatered sludge and what issues that might cause. Staff does not have the scientific equipment to measure the moisture of the bio solids. Staff is relying on the Stockwell Engineering, Brandon's contract engineers, to accurately provide data. Staff is including the notes provided by Trent Lubbers, City of Sioux Falls Utility Operations Administrator, for review. Staff will recommend that the City of Brandon secure and maintain any and all required permits from South Dakota DENR for this proposed use.

1) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

Generally the area will see an increase in truck traffic as the material is delivered, dumped and then later spread or moved to the final field locations. The area is relatively isolated and the closest residence is more than 1,500 feet away. The material will be used for agricultural purposes and the area around the site is now being used for crop production.

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

The proposed use should not greatly alter the general character of the area. The overall use of the area is for agricultural purposes. The storage of this material will not hinder crop production or impede the dairy located to the northeast.

3) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.

The general topography of the area will naturally screen some of the use. Furthermore, the applicant is proposing to use corn stalk bales and earth berm to further berm and shield the material.

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

As this will be a loading and storage area, there will not be permanent employees at the site. All off-street parking requirements will be met.

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.

As noted earlier, the operation has the potential to further impact the noise, odor, traffic, and air quality (due to prevailing north winds) in the area due to loaders, semi-trucks and trailers. These affects have the greatest potential to affect the few houses to the south.

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

The proposed use should not adversely affect the public. The material has been dried and treated at the lagoons to drastically reduce bacteria and odor. The material is tested for any harmful chemicals.

The proposed project would be beneficial by creating a close location for the City of Brandon to store and use the bio solids. The Envision 2035 Comprehensive Plan has a goal to coordinate growth and land use planning among Minnehaha County, cities, townships, and other relative organizations.

Recommendation: Staff recommends **approval** of Conditional Use Permit #17-38 to allow a solid waste transfer station with storage of biosolids with the following conditions:

- 1.) The property shall adhere to the submitted site plan and site plan narrative. This includes the use of large corn bales and earth berms.
- 2.) The hours of operation shall be 8:00 am through 7:00 pm on Monday through Saturday.
- 3.) Only bio solids from the Brandon lagoons shall be permitted to be stored on the property. No other materials shall be accepted.
- 4.) That the applicants review and secure approval from the County Highway Department for the use of the field approach. The approach shall be widened to 24 feet wide with a minimum of 4" of crushed rock along the first 100 feet.
- 5.) That the City of Brandon secure and maintain any and all required permits from South Dakota DENR for this proposed use
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

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

Commissioner Ode recused himself from the item.

Jon Fischer, Stockwell Engineering, passed out paper copies of a presentation before he presented it. The presentation covered the process of extracting, transporting, storing, and disposing of the biosolids.

Commissioner Duffy asked about the timeframe that all the project will take place. Jon responded that there is an August 31st deadline to have all the biosolids out of the lagoon. The storage site will be used until after harvest when the biosolids will be deposited on the landowner's crop land according to nutrient needs.

Commissioner Randall asked if there will be any chemical testing of the biosolids. Jon responded that they will do chemical testing for hazardous materials and nutrient content in accordance with EPA standards.

No one from the audience spoke to the item.

ACTION

A motion was made for the County by Commissioner Randall to approve Conditional Use permit #17-38 with recommended conditions. The motion was seconded by Commissioner Barth. The motion passed with 6 ayes and 0 nays. Commissioner Ode recused himself from the vote. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Chantos to **approve** Conditional Use Permit #17-38. The motion passed unanimously.

Conditional Use Permit #17-38 – Approved

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Kostboth. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Paulson and seconded by Commissioner Fiegan. The motion passed unanimously.

The meeting was **adjourned** at 7:34 pm.