

MINUTES
JOINT CITY AND COUNTY PLANNING COMMISSION MEETING
3RD FLOOR LARGE COURTROOM HUGHES COUNTY COURTHOUSE
Monday, November 26, 2018 - 5:30 p.m.

City Planning Commission members present: Emeline Hoblick, Bill Markley, Terry Keller, Laurie Schultz and Dave Templeton.

City Staff members present: Sharon Pruess and John Childs.

County Planning Commission members present: Lee Axdahl, Anissa Grambihler, Bill Johnston, Tom Rounds, Les Stewart, Brent Pries, and Roger Inman.

County Staff members present: Kevin Hipple and Eric Booth.

Guests present: Cody Chambliss, Barb Meyer, Alexa Shoup, Jim Wolf, Matt Eldridge, Tom Huber, Dave Hausman, Kotton Krull, Darren Hausman, Warren Wilson, Brandon Brake, Lance Roberts, Renee Wolf, Teddy Adamski, Brian Mews, and others. Sign in sheet attached to minutes.

Commissioner Axdahl called the meeting to order at 5:30 p.m. Commissioner Rounds moved to approve the 7/23/2018 meeting minutes. The motion was seconded by Commissioner Grambihler and all voted in favor of the motion.

First on the agenda was a **Public Hearing- Conditional Use Permit to operate a commercial feedlot in excess of 400 head of sheep. 20625 Arikara Place, E1/2 NE NE and E75' of NW SE NE except N33' and NE SE NE all Northwesterly of Arikara Road Section 30 111-78, all in Hughes County, South Dakota. Petitioner: Cody Chambliss**

Commissioner Axdahl opened the Public Hearing at 5:30 pm.

Commissioner Markley stated that he is good friends with one of the neighbors, Teddy Adamski and that he keeps horses out there but he believes he is still impartial.

Board members and staff introduced themselves to the audience.

Eric Booth, County Planner and Sharon Pruess, City Planner, provided a summary of the proposal. The staff received a complaint regarding the number of sheep at 20625 Arikara Place. The 20.05 acre property had 1,500 sheep according to one of the occupants. The property is zoned Agriculture A in the extra-territorial area and the maximum capacity for commercial animal feedlots is 400 head of livestock per the zoning ordinance. The ordinance does allow commercial feed lots with more than 400 head capacity by conditional use. The staff sent a letter to the petitioner and the property owner notifying them of the maximum of 400 head of livestock and that a conditional use permit could be requested. The petitioner and property owner are requesting a conditional use permit for a maximum of 350 animal units or 3,500 head of sheep. The conditional use permit allowing commercial feed lots with more than 400 head capacity is permitted in the Agricultural District after a finding that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the city/county per ordinance 13-4-105. Ordinance 13-4-108, the performance standards for the Agriculture A Zoning District, requires that feedlots . . .where feed bunkers or water are placed so that animals naturally tend to bunch up . . . shall not be closer than three hundred (300) feet from any lot line adjoining

properties which are used for residential, business, or industrial or recreational purposes. The petitioner has requested a variance from the 300 hundred foot requirement and is requesting 100 feet. The petitioner has submitted a conditional use permit petition signed by 3 of 14 adjacent property owners. The conditional use permit request is subject to input from the adjacent property owners and the public in general. An individual notice has been sent to 14 adjacent property owners and a notice has been published in the paper. The conditional use permit for a commercial feed lot for more than 400 head of livestock and the variance request for the setbacks of feed/watering stations is subject to input from the adjacent property owners and the public in general. The conditional use permit allowing commercial feed lots with more than 400 head capacity is permitted in the Agricultural District after a finding that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the city/county per ordinance 13-4-105. The Joint Planning Commission and the Joint City/County Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and to protect the health, safety and general welfare in the issuance of such conditional use permit per ordinance 13-2-117.

Petitioner Cody Chambliss testified in favor of his request. He grew up in the central South Dakota area and has been involved with sheep his entire life. He earned an Animal Science and Range Land Management degree and recently moved back to the area to be closer to family. He leases the property from Paul Kearns and has the land on a contract for deed.

He is employed full time by the State of South Dakota and runs his sheep operation in his spare time. It is a Merino sheep operation; the sheep's wool meets military specifications. His ewes are registered and he uses AI genetics from Australia. He says the big months are August – December, when they are preparing to ship to butchers. They lamb in the spring, 1500 ewes with lambs. 3500 head requested is for the combination of ewe and lambs.

Chambliss stated that 350 animal units/3500 head of sheep won't harm the area; there are few sheep producers in the area. Whatever runoff of manure there is will be handled by a buffer zone on the property. The area is generally dry, the draws below his property are dry draws runoff of manure will be minimal. To help with the odor he will regularly scrape the yard. He will compost the manure and dead animals, then spread it as fertilizer.

Chairperson Axdahl opened the Public Hearing to proponents.

Barb Meyer, a county resident, spoke in favor of the Chambliss request. She said that if sheep are managed properly they don't stink. The area needs more young producers; she has seen businesses close and wants to see Chambliss have the opportunity to grow his business. He is good for the area because he buys most of his supplies locally.

Alexa Shoup also spoke in favor of the Chambliss request, she lives with Chambliss. She said he has worked for more than 10 years to develop the genetics of his sheep operation. The operation is involved in working to find cures for diseases and is working with someone in New York to supply food to Whole Foods. This is an area of the county designed for agriculture, not for subdividing to create homes. People are moving to the area and are anti-agriculture. They want to live there with the business to be close to

family, they are committed to Pierre. If the Conditional Use Permit is denied, Chambliss will lose hundreds of thousands of dollars.

There were no more proponents.

Chairperson Axdahl opened the Public Hearing to opponents.

Jim Wolf, 20635 Arikara Place, a local veterinarian and neighbor to Chambliss spoke. His concern is 20 acres with 3500 head of sheep. Where will the manure be stored after it is piled? What will it do to the land value and area home value? He opposes the plan.

Matt Eldridge, 29523 206th St., a neighbor to Chambliss. He said he moved to the area 2.5 years ago and he has a few calves and sheep. He doesn't believe this is the right area for a feedlot.

Tom Huber, resident of Pierre, is part owner of some land just across Arikara Place from Chambliss. He wants his land to eventually have a home, there are other homes in the area and because of that he is opposed. He wondered who would determine if flies, dead animals, or runoff becomes an issue. He has not heard enough answers from Chambliss to the list of problems with a feedlot. Believes it is the wrong location for a feedlot and hurts growth of Pierre.

Dave Hausman, Pierre resident, co-owner with Huber of the neighboring parcel of land. Odor and noise are his main reasons for opposition. His son is planning to build on the lot. Not the right location for a feedlot and worries this could open other doors for other issues in residential areas in the extra territorial areas.

Kotton Krull, 20629 Arikara Place, his land abuts the Chambliss area to the south west. His main concern is property values, he says a feedlot will negatively affect the nearby residential property. He has heard that rats become an issue when feedlots compost manure and dead animals. Doesn't believe 20 acres is a large enough area, Chambliss stacks his hay along Arikara Place and worries that could prevent snow from blowing off the road and blowing it shut.

Darren Hausman, Pierre resident, plans to build on the lot mentioned by Huber and Dave Hausman. He is opposed to the CUP and agrees with what other opponents have said.

Warren Wilson, 20606 Arikara Place, his home is directly across Arikara Place from Chambliss. He opposes because of odor, property values, reasons already stated. He said the 400 head limit was put into the ordinance for a reason.

Brandon Brake, county resident, is opposed because of run-off concerns. The area eventually drains to the river in the Farm Island Recreational area. The potential for pollution concerns him and that could affect more people than just those in the immediate area.

Lance Roberts, 29451 206th St., he has seen sheep loose in the area and has similar concerns to what has been stated by others.

Renee Wolf, 20635 Arikara Place, she agrees with the objections that Tom Huber has raised.

Theodora Adamski, 29550 206th St., has been on the property for 50 years and is concerned about the potential for more dust, dirt, and pollution as well as what has been mentioned. She believes it is too many animals too close to town.

Brian Mews, his brother owns 20616 Arikara Place, said his brother couldn't be there and asked him to express his opposition for him.

There were no more opponents.

Chairperson Axdahl closed the Public comment and began Board questions.

Rounds asked Chambliss if he was aware of the ordinance before he moved there. Chambliss said no, neither the realtor nor previous property owner told him. He lives on the zoning line and could have 200 animal units on the east side of Arikara Place.

Keller asked Chambliss if South Dakota Department of Environment and Natural Resource requires a permit for his operation. Chambliss said no, his operation is Class D and doesn't require a permit from DENR. Keller said he has concerns about manure spreading, composting, where you spreading it? When? The drainage issues, the general maintenance plan. An actual operation plan would help. Chambliss said the dry manure would be spread in the spring and fall, he is open to suggestions on where he can spread it. He leases land from the City, has areas to spread the manure, it would be welcome fertilizer in many locations. Keller asked about loading and unloading of the sheep, does he block the road? He has done some work to the approach so trucks can get into his lot and there is less blocking of traffic. There are only 3 residences below him, the traffic is blocked for just a short time. Admitted that when it was rainy the truck couldn't get into his yard and the road was blocked for a longer period.

Grambihler asked Chambliss if he notifies the neighbors when he will be blocking the road. Chambliss said the trucks come at random times and he doesn't know ahead of time.

Markley asked Shoup, sheep for a large eastern corporation, who owns what? Chambliss owns around 200 head of ewes, the remainder he cares for but are owned by a farmer from upstate New York. There are approximately 1600 head there now. Chambliss said there will be 800 ewes by January, he will own 200 of those. He had a larger flock but a divorce cut that number.

Inman asked staff how old is the ordinance. Pruess answered that she researched the question and discovered the ordinance for the zoning of the location and 400 head restrictions were adopted in 1978.

Inman said the ordinance should change with the use. The neighborhood was there before the feedlot and that is different than if the feedlot were there first. Asked why Chambliss didn't investigate more when he seen all the houses in the area. Chambliss said the 400 head is out of date. Inman said the neighborhood should have tipped you off.

Grambihler asked Chambliss how much city land he has leased, Chambliss said he has haying rights to 150 acres including the cemetery and EVOC training course.

Keller asked if this will restrict development in this area. Pruess replied the airport is more restrictive in this area and forces larger parcel size requirements. Childs said the City Comprehensive Plan doesn't target this

area for more residential growth, that is more to the north. Chambliss said that FAA maps and regulations prefer fewer than 2 residences in flight path areas.

Axdahl asked Chambliss to explain what the economic impacts could be for him. Chambliss said he will have to move by February, finding a new location near town will be very difficult, figures it will cost him around 75 thousand dollars. It took him 28 semi loads to move equipment, feed, and animals in when he moved there. His realtor didn't know about the zoning issue either. It will be a big financial hit to him.

Chairperson Axdahl closed the Public Hearing at 6:18 pm and began Board discussion.

Keller would like to see an operation manual, the ordinance and application are vague, and he doesn't have enough information.

Grambihler said the plan in place is vague, Chambliss is asking for help, who offers the help? Does he work with both parties?

Keller, if it were his operation he would talk with the County Commission Association and the Municipal League to seek assistance.

County Staff said they have CUP with two hog farms in the county, staff shared those with Chambliss and were hoping Chambliss would prepare a more detailed plan.

Johnston said that Keller's points indicate there is hope for a feedlot in that area, false hope, the area is subdivided for residential and will continue to be subdivided. The realtor dropped the ball.

Rounds moved to deny the Conditional Use Permit, Schultz seconded the motion. The Board voted unanimously for the motion to deny the CUP to operate a commercial feedlot in excess of 400 head of sheep at 20625 Arikara Place.

Chairperson Axdahl moved on to the public comment period for the meeting and asked if any guests wanted to make Public Comments.

There were no Public comments.

With no further old or new business, Commissioner Rounds moved to adjourn the meeting. Commissioner Schultz seconded the motion. The motion carried unanimously and the meeting was adjourned at 6:31 p.m.

Minutes by Eric Booth