

Resolution
2022-07

Valley Springs Board of Commissioners
Resolution Land Use Setback for Expansion of Existing Cattle Operation

WHEREAS, John and Stacy Zomer (the "Zomers") own and operate a family farm with an existing cattle feedlot at 26326 487th Ave., Valley Springs; and

WHEREAS, the Minnehaha County Minnehaha County Zoning Ordinance governs land use and expansion of existing concentrated animal feeding operations, including the Zomer cattle feedlot; and

WHEREAS, the Minnehaha County Zoning Ordinance at Section 12.10 states:

(A). Intent.

- The raising of livestock is a regular and normal function of agriculture. It is the intent of this section to provide for viable livestock production within agriculturally zoned areas of Minnehaha County, protect ground and surface waters, and ensure that concentrated animal feeding operations are properly sited, maintained, and managed.

And

WHEREAS, the existing cattle feedlot on Zomers' family farm is considered a "Class C" concentrated animal feeding operation (defined as 250-999 Animal Units, where one mature cow equals one Animal Unit); and

WHEREAS, to remain economically viable as a family farming operation, Zomers desire to construct a new calving barn but must increase their total cattle numbers to afford the cost of that construction; and

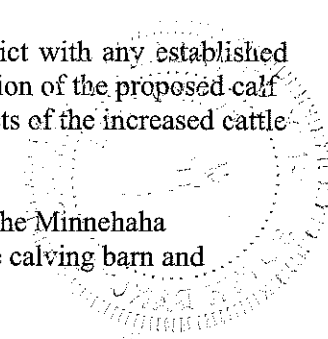
WHEREAS, even with the increase in cattle, the Zomers' operation will remain within the "Class C" category at less than 999 head of cattle on the family farm; and

WHEREAS, Zomers' family farm is situated in the agriculturally zoned district of Minnehaha County, but is within a Land Use Setback separation distance of 3,960 feet (3/4 mile) from the City of Valley Springs as a Second Class Municipality with population between 500 and 5,000; and

WHEREAS, the provisions of the zoning ordinance require conditional use approval for the new building but would otherwise allow up to 999 head of cattle; and

WHEREAS, the siting of this proposed calf barn facility is not in conflict with any established zoning laws or ordinances other than the Land Use Setback, and construction of the proposed calf barn would actually assist in managing the dust, noise, odor or other aspects of the increased cattle numbers; and

WHEREAS, Zomers will file a conditional use permit application with the Minnehaha County Zoning Board of Adjustment for consideration and approval of the calving barn and increased number of cattle on the farm; and



WHEREAS, Minnehaha County Zoning Board of Adjustment will review that application to determine that the facility can be operated within the requirements of Minnehaha County and state of South Dakota laws and regulations; and

WHEREAS, that Zoning Board of Adjustment may recommended the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Adjustment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the Board of Commissioners for the City of Valley Springs may waive the Land Use Setback of a new concentrated animal feeding operation facility to allow the issuance of a conditional use permit and a building permit; and

WHEREAS, the Zomers have presented evidence that the construction of a calving barn will not increase (and may assist in controlling) the aspects of their cattle operation that might impact the citizens of Valley Springs; and

WHEREAS, the Zomer family farm facility is proposed at a location that will not be visible from Valley Springs and affords other protections making it reasonable to allow expansion;

IT IS THEREFORE RESOLVED that the Board of Commissioners for the City of Valley Springs, South Dakota hereby waives the Land Use Setback of Section 12.10(F)(2) to allow construction and operation of the proposed expansion and new calf barn facility, not to exceed 999 Animal Units total, under the terms of a conditional use permit to be issued by the Minnehaha County Zoning Board of Adjustment, if approved as determined by the professional zoning staff and the Board of Adjustment.

APPROVED this 14th day of June, 2022 by the Board of Commissioners in regular session at the American Legion Hall in Valley Springs, SD.

Roll Call (Yes or No on Resolution):

SANDY SEVERTSON yes

DEAN HELGESON yes

BRIAN STAEFFLER yes

RICK LARSEN yes

Signed: Carl Moss
Mayor Carl Moss

Attest: Samantha Boyer
City Finance Officer, Samantha Boyer

