



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
July 22, 2024**

A meeting of the Planning Commission was held on July 22, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment.

Jean Childs asked the commission why the pledge of allegiance did not take place before the meeting.

Consent Agenda

Commissioner Duffy read each item on the consent agenda and Items 5 & 8 were requested to be moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 4, 6, & 7 by Commissioner Ralston and seconded by Commissioner VanDerVliet. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – June 24, 2024

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from June 24, 2024. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #24-32 to exceed 3,600 square feet of accessory building space (requesting 5,240 square feet) on the property legally described as the E 41.5 Rods of N 17 Rods NE¼ Section 17 T103N-R48W Edison Township.

Petitioner: Tad & Brenda Fiegen

Property Owner: Same

Location: 47993 252nd Street

Staff Report: Mason Steffen

General Information:

Legal Description – E 41.5 Rods of N 17 Rods NE¼ Section 17 T103N-R48W Edison Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 4.40 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 5,240 square feet of residential accessory building area on the subject property. There are currently six detached accessory buildings on the property. The petitioner is requesting to demolish one of these buildings and build a new 912 square foot building in its place. They will also be building a new 40' x 80' detached accessory building in the southeast portion of the property. Additionally, the existing building to be demolished is within the required front yard setback. However, Article 3.08 (E) of the 1990 Revised Zoning Ordinance for Minnehaha County states the following; *“Buildings may be located within the required front yard but no closer to the public right-of-way than a legal nonconforming building provided the building is no greater than 150 feet from the nonconforming building.”* The dwelling on this property is a legal nonconforming building, given that it is also located within the front yard setback. Since the proposed new accessory building will be located within 150 feet of the dwelling, the accessory building will be allowed to be built within the required front yard setback, but no closer to the public right-of-way than the existing dwelling. This has also been added as a condition of approval to this permit.

On June 28, 2024, staff conducted a site visit of the subject property and the surrounding area. The property is almost entirely surrounded by agricultural land, but the property to the south is a residential acreage and the property to the north is the EROS Data Center. Given the rural nature of the area and the existing uses, the proposed larger accessory building will be compatible with the existing uses in the 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.



There should be no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. Property values in the area should also not be negatively impacted due to the personal use of the proposed accessory building.

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

The proposed site of the accessory buildings is located in an area that is still primarily used for agriculture, and a majority of the neighboring property is farmland with few large residential acreages. There should also be no anticipated impacts to the normal and orderly development and improvement of surrounding vacant farmland or residential acreages. The proposed size of the accessory buildings is generally compatible with the uses predominant in the surrounding area.

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

The petitioner will be required to extend all necessary utilities to the structures. The accessory buildings will be accessed by the same driveway as the current buildings on the property. The addition of new accessory buildings on the property should not have any negative effects on the drainage of the surrounding area.

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

The proposed site of the accessory buildings is large enough to accommodate the off-street parking requirement. The new accessory buildings will also add additional parking and storage to the 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.

No commercial business or storage will be allowed in the proposed accessory buildings at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, and general welfare of the public will not be negatively affected by the construction of the proposed accessory buildings. The proposed use will fit within the uses of other properties in the rural area, and conforms to the goals and policies of the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-32 with the following conditions:

- 1) The building locations shall adhere to the submitted site plan, and the proposed 912 square foot accessory building may not be located any closer to the public right-of-way than the existing dwelling on the property.
- 2) That the total accessory building square footage shall not exceed 5,240 square feet.



- 3) That the buildings shall be an accessory use to the continued use of the property as a residential lot.
- 4) That the buildings shall not to be used for commercial uses or as a dwelling at any time.
- 5) That any new or replacement 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 shall be required prior to construction of the accessory buildings.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory buildings at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #24-32 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-32 – Approved



ITEM 3. CONDITIONAL USE PERMIT #24-33 to transfer one (1) building eligibility from Tract 1 Whitmore's Addition SW¼ SE¼ to the SE¼ SW¼ all within Section 31 T103N-R49W Sverdrup Township.

Petitioner: Brett Whitmore

Property Owner: Gene & Judy Whitmore

Location: Approximately 2 miles northeast of Crooks

Staff Report: Scott Anderson

General Information:

Legal Description – SE¼ SW¼ Section 31 T103N-R49W Sverdrup Township

Present Zoning – A1 Agricultural

Existing Land Use – Pasture

Parcel Size – 40 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2 miles northeast of Crooks. The applicant is requesting to move one building eligibility from an existing smaller lot to a larger lot to the west along 256th Street. The area in which the building eligibilities are now located appears to be associated with the existing residence at 47272 256th Street. The applicant indicated that the building eligibility is being moved to reduce the amount of preparation to build.

On June 27, 2024 staff conducted a site visit. There are 8 residences located along 256th Street and within ½ mile of the proposed location of the transfer. The area to the south is primarily under agricultural production.

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.

There are several residences located near the proposed site. 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. The relocation and siting of one building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.

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

No other extra utilities or services will be required for this site to utilize the building eligibility. It is likely that rural water and electricity are already located in the ditch. Any new approach would



have to be reviewed and approved by Sverdrup Township. A significant amount of the receiving parcel is located within the Slip Up Creek floodway and floodplain. Any new construction of a single family residence should take this under consideration and build the residence at on elevated level.

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

The 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.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing the building eligibility in this location will better utilize the land and locate the building eligibility near other similar uses.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #24-33 with the following conditions:

- 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 dwelling.
- 2) That prior to approval of a building permit, the applicant will need to obtain an approach permit from Sverdrup Township for any new approach.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #24-33 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-33 – Approved



ITEM 4. CONDITIONAL USE PERMIT #24-34 to transfer one (1) building eligibility from Tracts 2 & 3 Hutchison's Addition & SW¼ (Ex. Bisson's Tracts & Ex. Tracts 1, 4 & 5) to the SE¼ (Ex. Hutchison's Addition) all within Section 36 T103N-R49W Sverdrup Township

Petitioner: Hutchison Living Trust

Property Owner: Same

Location: Located at the intersection of 256th Street and 478th Avenue

Staff Report: Scott Anderson

General Information:

Legal Description – SE¼ (Ex. Hutchison's Addition) all within Section 36 T103N-R49W Sverdrup Township

Present Zoning – A1 Agricultural

Existing Land Use – Pasture

Parcel Size – 142.09 Acres

Staff Report: Scott Anderson

Staff Analysis:

The property is located approximately 6 miles north of Sioux Falls. The applicant is requesting to move one building eligibility between two larger parcels along 256th Street. The area in which the building eligibilities are now located appears to be better crop land. The receiving parcel has a significant amount of Slip Up Creek floodplain located on it and is pasture. The applicant indicated that the building eligibility is being moved to allow for access onto a paved highway.

On June 27, 2024 staff conducted a site visit. There are 9 residences located along 256th Street and County Highway 121 and within ½ mile of the proposed location of the transfer. The areas to the south, north and east are primarily under agricultural production.

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.

There are several residences located near the proposed site. 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. The relocation and siting of one building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.



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

No other extra utilities or services will be required for this site to utilize the building eligibility. It is likely that rural water and electricity are already located in the ditch. Any new approach onto the County Highway or 256th Street would have to be reviewed and approved by the County Highway Department or Sverdrup Township.

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

The 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.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing the building eligibility in this location will better utilize the land and locate the building eligibility near other similar uses.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #24-34 with the following conditions:

- 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 dwelling.
- 2) That prior to approval of a building permit, the applicant will need to obtain an approach permit from the Minnehaha County Highway Department or Sverdrup Township for any new approach depending on which road the new approach is located.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #24-34 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-34 – Approved



ITEM 6. CONDITIONAL USE PERMIT #24-36 to exceed 3,600 square feet of accessory building space (requesting 5,700 square feet) on the property legally described as Tract 3 Swanson's Tracts W½ NW¼ Section 14 T103N-R48W Edison Township.

Petitioner: Heath Lacey

Property Owner: Same

Location: 25236 482nd Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 3 Swanson's Tracts W½ NW¼ Section 14 T103N-R48W

Edison Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 10.00 Acres

Staff Report: Mason Steffen

Staff Analysis: Currently, there are three detached accessory buildings on the property. The petitioner is requesting to remove an existing 24' x 48' detached accessory building, and build a new 50' x 88' building in the same location on the property. The property was approved in 2010 for a conditional use permit to allow 1,944 square feet of detached accessory building space, and this was prior to the current accessory building regulations for the county. The current regulations allow for 3,600 square feet of accessory building space on a property of this size, and therefore a conditional use permit is still required for this request.

On June 28, 2024, staff conducted a site visit of the subject property and the surrounding area. During the site visit, staff notice that three intermodal shipping containers had been moved onto the property. Additionally, staff noticed that the existing 24' x 48' building had already been removed, and that these shipping containers may be storing the property that will eventually be placed in the new accessory building. The 1990 Revised Zoning Ordinance for Minnehaha County allows shipping containers to be placed on a property temporarily for ninety days without a building permit. If the petitioner intends to have these shipping containers on the property for a longer period of time, they will need to obtain a building permit for each of these structures. Additionally, there are several large lot residential acreages to the north and south of the property, but the remaining land in the area is largely agricultural in nature. This request would allow for the property to have the most accessory building space in the immediate area surrounding the property. Since the building will be replacing an existing accessory building, and given the existing land uses in the area, the request should not impact the neighboring properties.

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 should be no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. Property values in the area should also not be negatively impacted due to the personal use of the proposed accessory building.

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

The proposed site of the accessory building is located in an area that is still primarily used for agriculture, and a majority of the neighboring property is farmland with a few large residential acreages. There should also be no anticipated impacts to the normal and orderly development and improvement of surrounding vacant farmland or residential acreages. The proposed size of the accessory building is generally compatible with the uses predominant in the surrounding area.

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

The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of a new accessory building on the property should not have any negative effects on the drainage of the surrounding area.

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

The proposed site of the accessory building is large enough to accommodate the off-street parking requirement. The new accessory building will also add additional parking and storage to the 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.

No commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, and general welfare of the public will not be negatively affected by the construction of the proposed accessory buildings. The proposed use will fit within the uses of other properties in the rural area, and conforms to the goals and policies of the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-36 with the following conditions:

- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 6,660 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses or as a dwelling 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.
- 7) 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 Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #24-36 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-36 – Approved



ITEM 7. AGRICULTURAL TOURISM PERMIT #24-02 to allow a U-Pick Farm on the property legally described as Tract 2B Wangsness' Addition S½ SE¼ Section 10 T102N-R48W Brandon Township.

Petitioner: Emmalie Holt

Property Owner: Same

Location: 48186 258th Street

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 2B Wangsness' Addition S½ SE¼ Section 10 T102N-R48W Brandon Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 4.60 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to operate a u-pick farm for flowers on a property less than ten acres in size. Since the property is less than ten acres, the petitioner must obtain a conditional use permit as outlined in Article 19.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. The narrative explains that they will be hosting public and private pick events, where visitors to the site will be able to pick and arrange their own bouquet of flowers. The site plan indicates that the parking on-site will be located on the existing driveway, as well as to the west of the driveway on the grass. Additionally, the site plan and narrative explain that the flowers will be grow in eight rows in the western portion of the property, with room for future expansion, and that a sign will be placed at the end of the driveway. Finally, the narrative states that the hours of operation for the site will largely be on the weekends, and that private events will be allowed during the week only via an appointment.

On June 28, 2024, staff conducted a site visit of the subject property and the surrounding area. The property is almost entirely surrounded by agricultural land, and there is one existing residential acreage directly to the west of the property. The property is also located at the intersection of a county highway and state highway, and therefore the traffic to the proposed u-pick farm should not overly impact the surrounding area. Due to the hours of operation listed in the narrative, the daily traffic to the site should largely be unchanged, and any additional traffic for the events will not be significantly more than the existing traffic in the 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.

Currently, the surrounding area is primarily used for farmland, but there are a few large residential acreages to the west. The proposed use of a u-pick farm is not likely to have an overly negative effect on the uses already permitted in the area. This is due to the fact that the day-to-day use of the property will not dramatically change, and the daily traffic will largely remain the same.



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

The vacant land in the area surrounding the property is almost entirely used for agricultural uses. Additionally, the property is located in the agricultural production area of the county, and the use of the vacant land will continue to be agricultural in nature for the foreseeable future. Finally, any development of the vacant land will be limited by the availability of building eligibilities, and the use of this property as a u-pick farm will not impact this development.

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

The proposed operation will be on the site of an existing residential acreage that already has the proper infrastructure in place to operate the u-pick farm. The property will be accessed via a driveway directly off of a paved county highway, which will limit any concerns regarding traffic to the site. Finally, the existing drainage on the property will not be altered by the operation of a u-pick farm on the existing acreage.

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

This proposed use does not have any specified parking or loading requirements within the Zoning Ordinance. Since the use will occur outdoors it is difficult to calculate a maximum occupancy for the u-pick farm. However, given the size of the existing driveway on the property, there is sufficient space for at least fifteen (15) parking spaces. Based on the available parking, the maximum occupancy for the events held on the property should be limited to forty-five (45) people, or three (3) people per parking 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.

No offensive nuisances shall be permitted at any time during the operation of the u-pick farm. The main potential nuisance with this operation will be noise, given that the proposed events will have the potential to bring dozens of people to the property at one time. However, the property is a large residential lot with few neighbors, and the property has existing shelter belts that screen the parking area from the nearest neighbors. In addition, the traffic increase to the property will only occur on a limited amount of days when events take place, and during the rest of the year the traffic to the site will be the same as any other residential site. Finally, any new lighting that is installed for the u-pick farm should be directed downward on to the property in order to limit light pollution off-site.

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

The health, safety and general welfare of the public should not be impacted by the proposed u-pick farm. The petitioner already has the existing infrastructure in place to operate the u-pick farm, and this operation will promote a connection to the agricultural production within Minnehaha County. Finally, the subject property is located within the agricultural production area of the 2035 Envision Comprehensive Plan, and therefore the operation is consistent with the goals and polices of the comprehensive plan.



Recommendation: Staff finds that the proposed use is consistent with the intent of the agricultural tourism ordinance and conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Agricultural Tourism Permit #24-02 to allow a U-Pick Farm with the following conditions:

- 1) That the U-Pick Farm shall meet the provisions of Article 12.13 (B) 3) of the 1990 Revised Zoning Ordinance for Minnehaha County, excluding the ten (10) acres minimum lot size requirement.
- 2) That a minimum of fifteen (15) off-street parking spaces shall be provided, and that no parking shall be allowed within the public right-of-way at any time.
- 3) That the maximum occupancy for events held on the property shall be limited to forty-five (45) people.
- 4) That the total signage for the operation shall meet the provisions of Article 12.13 (E) and (F) of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5) That a building permit is required before any permanent signs are erected on the property, and that no signs shall be allowed within the public right-of-way at any time.
- 6) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the operation at any time, after proper notice to the owner, to ensure that the property is in full compliance with the agricultural tourism permit conditions of approval and the Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Agricultural Tourism Permit #24-02 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Agricultural Tourism Permit #24-02 – Approved



Regular Agenda

ITEM 5. CONDITIONAL USE PERMIT #24-35 to allow a Manufactured Home on the property legally described as Tract 7 Lot 3 & Lot 4 Voigts Subdivision Section 21 T101N-R51W Wall Lake Township.

Petitioner: Briana Ries

Property Owner: Tracy Ries

Location: Located ¼-mile east of 462nd Avenue on West Shore Place

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 7 Lot 3 & Lot 4 Voigts Subdivision Section 21 T101N-R51W Wall Lake Township

Present Zoning – RR Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – .26 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request is to allow a manufactured home on property on West Shore Place. It is being requested in conjunction with Variance #24-02 to reduce the front yard setback. It is likely that if either permit request is denied, the other permit request will not continue as requested.

Manufactured homes are generally defined as a home that is constructed on its own chassis and build to HUD construction standards. A conditional use permit is required to place a manufactured home on a parcel and the home must meet standard found within Article 12.06 (C) of the County Zoning Ordinance.

The applicant worked with staff to develop a site plan for the requested manufactured home. The buildable area is rather small and the proposed 27 feet wide manufactured home will not fit within the buildable area. The variance request addresses the reduction in front yard setback needed to place the proposed manufactured home.

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 manufactured home will be located in a largely established neighborhood. Most of the homes in the neighborhood are located on the lake front side of West Shore Place. Many of them are on small lots like this subject property. In addition, many of the houses on the small lots are narrow shaped to fit on the small lots. The proposed manufactured home will have a similar appearance in style as many of the nearby houses in the neighborhood. It should not affect the uses in the vicinity any more than a similar on-site constructed dwelling.



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

The neighborhood around West Shore Place is mostly developed. Most buildable lots in the area exist on the non-lakeside of the street. These interior lots are largely built with detached garages that serve the house directly across West Shore Place. The proposed manufactured home may lead to more similar requests on other interior lots, but it is unlikely because of the existing garages are needed for the houses across the street.

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

The property is located on a private road. Drainage will largely remain the same as the ground surface will remain the same. The property owner will be required to obtain required utilities. This is especially important for obtaining approval for hookup to the Wall Lake Sanitary Sewer District. Approval of Wall Lake Sanitary Sewer will be a requirement before a building permit can be issued.

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

The proposed manufactured home does not include a garage. The existing accessory buildings on the property are not capable of parking vehicles. Parking will therefore need to be outside. If setbacks for the manufactured home are approved at 20 feet or further from the right of way, there will be enough room to park several vehicles in front and on the side of the home. No parking in the right-of-way should 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.

A typical residential use will not create any offensive odor, fumes, dust, noise, or vibration. The property must be maintained in accordance with the public nuisance ordinance.

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

The zoning ordinance includes requirements to minimize the negative aesthetics associated with a manufactured home. The requirements include minimum width, roof pitch, and standard building materials. A manufactured home can be an affordable housing option for the owner. With general requirements, the placement of a manufactured home will not negatively affect the health, safety, or general welfare of the public.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-35 with the following conditions:

- 1.) A building permit must be obtained prior to the placement of the manufactured home.
- 2.) Each section of manufactured home must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.
- 3.) The manufactured home must comply with all requirements of Article 12.06 (C) of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4.) Approval from the Wall Lake Sanitary Sewer system for hookup to sanitary sewer must be obtained before a building permit is to be issued for the manufactured home.
- 5.) Prior to the issuance of a building permit, a right-to-farm notice covenant must be filed on the deed with the Register of Deeds.



Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

The petitioner, Briana Ries of 46234 West Shore Place, Harford, SD, was present and available for questions from the commission. Ms. Ries explained that she has lived in the neighborhood for twenty-five to thirty years, and that she has grown up here with her parents. She also explained that her parents own the house directly across the street from this lot, and that her brother also owns a house on the other side of the street. Ms. Ries then presented the commission with pictures of the proposed manufactured house. She explained that it will have a foundation and skirting, and that it will provide her with an affordable housing option close to her family.

Commissioner Kippley asked about the characteristics of the lot, and why Ms. Ries is requesting the specific location for the manufactured house. Ms. Ries explained that a 24' x 40' manufactured house could potentially fit within the buildable window, but that the 28' x 40' manufactured house she is requesting would not fit in this window. Commissioner Kippley then asked the petitioner about the neighborhood, and the existing homes in the area surrounding the property. The petitioner stated that this manufactured house is not cheap and will not look cheap. She also stated that the manufactured house will add to the neighborhood, and is a convenient option for here to stay close to family.

Willard Huffman, of 1808 S Queens Avenue, Sioux Falls, SD, addressed the commission with his concerns regarding the requested manufactured house. Mr. Huffman stated that he is concerned with the reduced setback on the lot because this will impact snow removal on West Shore Place, which he used to maintain in the past. He also stated that this side of the road has three unmaintained properties that are breeding grounds for rodents and other pests, and that this manufactured house will not help the situation. Finally, he stated that most of the houses on this portion of the lake were built between the 1960s and 1990s, and that there is a variety of house types on the lake, but that this manufactured house will not fit in to the neighborhood.

Commissioner Ralston stated that this request should be treated separately from the variance request that will be heard later in the night. Commissioner Ralston also commented that there is negative connotation with the typical 1970s single-wide mobile home, but that this request does not have these concerns given the modern look of the proposed manufactured house.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to **approve** Conditional Use Permit #24-35 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-35 – Approved



ITEM 8. CONDITIONAL USE PERMIT #24-37 to transfer six (6) building eligibilities from Tract 3 Everist's Addition SE $\frac{1}{4}$ SW $\frac{1}{4}$ & S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11 & Lot 1 Merry-Gollesch Addition E $\frac{1}{2}$ Section 13 & the W1871' (Ex. N1152') S $\frac{1}{2}$ Section 12 to the S $\frac{1}{2}$ (Ex. W1871' & Ex. H-2) Section 12 all within T104N-R49W Dell Rapids Township.

Petitioner: DGR Engineering (c/o Jacob Morris)

Property Owner: Jokers LLC.

Location: Approximately 2 miles east of Dell Rapids along Jasper Street

Staff Report: Kevin Hoekman

General Information:

Legal Description – S $\frac{1}{2}$ (Ex. W1871' & Ex. H-2) Section 12 T104N-R49W Dell Rapids Township

Present Zoning – A1 Agricultural

Existing Land Use – Cropland

Parcel Size – 156.38 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to transfer several building eligibilities from contiguous property to create a cluster development at the intersection of Jasper Street and 478th Avenue. A transfer of building eligibilities requires a conditional use permit.

The property owner owns several large contiguous parcels of land. The receiving parcel already has six building eligibilities where three of the eligibilities were placed on the property from a transfer approved in 2008. The transfer will move an additional six building eligibilities to the site for a total of 12 building eligibilities available for a cluster development. The petitioner should be aware that a preliminary subdivision plan is required prior to platting individual lots within the subdivision.

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 property is a large piece of land in an active agricultural area. There are some farms to the north that clearly have cattle; however, there are no permitted CAFOs within a two mile radius. The people who build in the development will be aware of current activities of the area, but it may be difficult for nearby operations to expand in the future through a conditional use permit process.

Two county highways border the receiving area: one on the north, and one on the east. The concept plan provided by the petitioner shows that the future layout of the subdivision will have an access road onto each highway. The Highway department reviewed the submitted materials and raised no concerns about the plans. A preliminary subdivision plan must be submitted and approved before any final platting of the property can take place. This process will provide additional review of lot and road requirements.



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

The receiving parcel is located within an active agricultural area. The city of Dell Rapids is located approximately two miles west of the site. The Big Sioux River and its floodplain divide the city from this proposed cluster of building eligibilities. The area around the proposed cluster of eligibilities will not likely change away from agriculture due to the distance and river between the proposed subdivision and Dell Rapids.

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

The applicant will be responsible for extending utilities and access roads to the individual lots. At this time, it does not appear that there will be significant change to the drainage pattern of the land. More details for utilities, access roads, and drainage will be required for the preliminary subdivision plan.

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

All development within this proposed subdivision will be single family dwellings, parking requirements will be met at the time building permits are issued for individual houses. The large size of proposed lots will likely accommodate any residential parking for each 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.

Residential dwellings do not typically create nuisances. Any property owner must comply with the public nuisance ordinance.

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

The Envision 2035 comprehensive plan for Minnehaha County encourages clustering of building eligibilities. The subdivision will have direct access onto paved county highways that can accommodate the additional traffic generated by the cluster development.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #24-37 with the following conditions:

- 1). All lots within the subdivision must be platted prior to issuance of a building permit.
- 2). A preliminary subdivision plan must be submitted and reviewed by the Planning Commission prior to platting any lots.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, explained that staff report and recommendation to the commission.

Commissioner Ode asked staff why there was not a condition on the permit that required right-to-farm notices. Kevin Hoekman explained that right-to-farm notices would be required for each lot anyway given the existing regulations in the zoning ordinance.



Commissioner Kippley asked staff to clarify that this request is outside the joint jurisdiction with Dell Rapids. Kevin Hoekman explained that the request is several miles east of Dell Rapids and is not within their joint jurisdictional boundary.

The petitioner, Jacob Morris of DGR Engineering, was present and available for questions from the commission. Mr. Morris explained that this request to transfer the building eligibilities is only step one in the process, and that a subdivision review will happen in the future. He also stated that the owner owns the twelve contiguous building eligibilities, and that this proposed location is the best location for clustering the building eligibilities on less productive agricultural land.

Peter Rasmusson, of 128 W Carmel Lane, Sioux Falls, SD, addressed the commission with his concerns for the proposed transfer of building eligibilities. Mr. Rasmusson asked if there had been any drainage analysis for the project because the grading required for twelve residential lots and new roads could affect the drainage into the Big Sioux River. Mr. Rasmusson also asked what the future plan was for the lots that the building eligibilities are coming from, and if a rezoning on these lots is being considered.

Jacob Morris returned to the podium to address the questions raised by Mr. Rasmusson. Mr. Morris explained that this project is in the preliminary stages, but that they are cognizant of the drainage on the site, and that the subdivision review will require that the drainage be maintained on the property. Mr. Morris also commented that having twelve large lots with year-round grass will actually retain more water than row crops that are only on the property for part of the year. Finally, Mr. Morris stated that he does not know the current plan for the land where the building eligibilities are coming from, but that no rezonings are being considered at this time.

John Bunkers, of 47768 Jasper Street, Dell Rapids, SD, explained that he is the nearest neighbor to the north of the proposed subdivision. He also stated that sightlines on the county highway in this area are not good, and that adding more traffic and intersections in this area will only make the problem worse. Mr. Bunkers also questioned how the lots would receive water because he has had several occasions where he did not have enough water pressure for his cattle.

Commissioner Ralston stated that he appreciates the neighbor's concerns about sightlines, but that the approaches will be reviewed by the County Highway Department at the subdivision review.

Commissioner Ode asked why the commission should tie the hands of future farmers by approving this request and limiting the ability of farmers to expand. Commissioner Ode also stated that he had just return from a trip to Japan and Taiwan where they do not have the land to continue farming, and that we need to preserve as much farmland as possible, so that that situation does not happen to us.

Commissioner Ralston asked if it is better for farmers to have the twelve building eligibilities clustered in one area, or have the houses spread out every quarter-mile over a larger area.



Commissioner VanDerVliet stated that he would not be in support of the request. Commissioner VanDerVliet explained that this is because this cluster of houses would limit the ability of future expansion to the existing farmers in the area.

Commissioner Kippley stated that the petitioner is using the old fashion density zoning way of clustering building eligibilities in order to create a subdivision. Commissioner Kippley also commented that this request also highlights the need to update the comprehensive plan to provide guidance on residential development.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to **approve** Conditional Use Permit #24-37 with three conditions including a condition requiring a right-to-farm notice prior to the issuance of building permits. A roll call vote was taken. Commissioners Duffy, Mohrhauser, Ralston, and Kippley voted in favor of the motion. Commissioners VanDerVliet, Ode, and Randall voted against the motion. The motion passed with 4 votes in favor of the motion and 3 votes against the motion.

Conditional Use Permit #24-37 – Approved with the following conditions:

- 1) All lots within the subdivision must be platted prior to issuance of a building permit.
- 2) A preliminary subdivision plan must be submitted and reviewed by the Planning Commission prior to platting any lots.
- 3) A right-to-farm notice covenant shall be required for each lot, prior to the issuance of a building permit for a single-family dwelling.



Old Business

Scott Anderson, the County Planning Director, provided an update on Conditional Use Permit #24-31 for a produce stand, which was heard at the June planning commission meeting. Scott explained that the item had been appealed to the Joint County Commission and Sioux Falls City Council, and that the appeal meeting is scheduled to be held on Tuesday July 23, 2024.

New Business

Scott Anderson, the County Planning Director, explained to the Planning Commission that staff has been working on a presentation for the proposed comprehensive plan updates, which will be presented to the County Commission at their meeting on August 6, 2024.

Commissioner Duffy explained to the commission that she has been approached by the city of Sioux Falls to sit on the advisory board for their comprehensive plan update. Commissioner Duffy explained that this will be a fourteen to sixteen month commitment that she has accepted, and that she wanted to let the public know that she will be a part of this board. Finally, Commissioner Duffy stated that the first meeting for the advisory board will be next Monday, and that she will have more information after that meeting.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Ralston. The motion was approved unanimously. The meeting was adjourned at 7:49 p.m.