



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
February 28th, 2022**

A meeting of the Planning Commission was held on February 28th, 2022 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth.

STAFF PRESENT:

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

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:16 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda, and no items 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, 5, 6, & 7 by Commissioner Ralston and seconded by Commissioner VanDerVliet. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

ITEM 2. Approval of Minutes – January 24th, 2022

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from January 24th, 2022. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #22-07 to exceed 3,600 square feet of accessory building space (requesting 8,750 square feet) on the property legally described as the W 360' of Tract 1 Hahn's Addition SW¼ Section 35 T103N-R52W Clear Lake Township.

Petitioner: Brad Gerlach

Property Owner: Same

Location: 25582 458th Avenue, approximately 2 miles north of Humboldt

Staff Report: Mason Steffen

General Information:

Legal Description – W 360' of Tract 1 Hahn's Addition SW¼ Section 35 T103N-R52W Clear Lake Township

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 5.14 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 8,750 square feet of accessory building area. The proposed new accessory building will be used for personal storage, and no commercial storage or business will be allowed in the structure. Currently on the property, there are six accessory buildings: two 10'x 25' buildings, a 42'x 56' building, a 18'x 31' building, a 14'x 24' building, and a 25'x 46' building. The proposed new structure would be a 36'x 100' building, making the total square footage of accessory buildings on the property 8,750 square feet.

On February 11th, 2022, staff conducted a site visit of the proposed site for the accessory building. The subject property is located in an area that is almost entirely used for agricultural with little residential development, and this will likely continue into the future. Finally, the proposed size of the new accessory building is generally compatible with the other agricultural uses in the area, and should not create any issues with the future development 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 building is located in an area that is predominantly agricultural with few residential acreages. There should be no impacts to the normal and orderly development and improvement of surrounding farmland or any future residential acreages. The proposed size of



the accessory building is generally compatible with the current and future land uses in the area.

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

The petitioner will need to extend all required utilities to the structure. The accessory building will be accessed by the same driveway as the residence on the property. An additional accessory building on the property should not have any significant 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 addition to the 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 building. Additionally, the proposed use will be on a property in an area with low residential development and high agricultural activity that will continue for the foreseeable future. Finally, large buildings, such as the one proposed for this permit, are common in the agricultural area of the county, and so the proposed use will fit with the general future development in the surrounding area.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-07 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 8,750 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5) That all outdoor lighting shall be of a fully-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.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

FEBRUARY 28th, 2022

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #22-07 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #22-07 – Approved



ITEM 3. CONDITIONAL USE PERMIT #22-10 to exceed 20,000 square feet of Industrial Warehousing Area (requesting 24,000 square feet) on the property legally described as Lot 3 Block 1 (Ex. Lots 3A, 3B, & 3C) Green Valley Addition NE¼ Section 12 T102N-R50W Benton Township.

Petitioner: Ryan Joens

Property Owner: TFR Leasing, LLC.

Location: ¾-mile north of the Crooks-Renner Exit, west side of Interstate 29

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 3 Block 1 (Ex. Lots 3A, 3B, & 3C) Green Valley Addition NE¼ Section 12 T102N-R50W Benton Township.

Present Zoning – I1 Light Industrial

Existing Land Use – Vacant Lot

Parcel Size – 2.35 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located in an industrial park along Cottonwood Avenue at the Crooks/Renner exit. The portion of the industrial park that surrounds the subject property is mostly new development from the last 10 years, and a majority of the lots have already been developed. This request would allow for the largest building in the immediate area at a size of 100'x 240', or 24,000 square feet.

The proposed building is displayed on the submitted site plan. The use of the building is stated on this site plan as warehousing and office space. Within the building a 100' x 50' section would be used for offices, and a 100' x 190' section would be used for warehousing. Additionally, this site plan indicates that the building will have several loading doors into the warehousing portion of the building, which will accommodate the deliveries that are sent from and received on the property. An updated site plan was also submitted by the petitioner that included updated setbacks, and the location of the 37 parking spaces that will be provided on the east side of the structure. Furthermore, the required setbacks for the structure were determined by using the south wall of the building as the front of the structure. This means that the proposed structure will meet all of the required setbacks of the Light Industrial District, and that the provided parking will be at least 50' feet from the front property line.

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 subject parcel is located within the Commercial/Industrial expansion area located at the Crooks/Renner exit. Most of the parcels in the surrounding area have been developed for industrial uses, and most of these parcels also have large buildings. Finally, allowing an additional industrial use in this area will not impact the surrounding properties, due to the fact that almost all the properties in the area have already been developed for similar industrial uses.



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

The parcel is located within a Commercial/Industrial expansion area with several neighboring industrial lots. The development area that directly surrounds the property is nearly full, and approval will likely have little effect on any future developments in the area.

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

This site is located in an area that has already been mostly developed, so the effect on drainage should be minimal. The property already has access onto Haylie Street, which is a paved access. Since Haylie Street is a paved access, the driveway, parking lot, and loading areas on the property will need comply with Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County. This article explains that any industrial property that is accessed from a hard-surfaced road, must also hard surface their driveways, parking lots, and loading/unloading areas. Finally, the petitioner will be required to extended any additional utilities to the structure.

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

The zoning ordinance has a general parking requirement of a rate of one space per 300 square feet of building area. Since a majority of the building will be used for warehousing that already has off-street loading accommodations, only the 5,000 square feet of office space was used to calculate the number of required parking spaces. Based on the size of the office space, the petitioner would be required to provide at least 17 parking spaces. The proposed parking plan on the submitted site plan shows that 37 parking spaces will be provided. Finally, the parking spaces shown on the site plan, will meet the 15-foot setback from the front property line.

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.

All activities of the proposed building are shown to take place within the building. This will minimize potential nuisances. All new lighting should be required to be pointed downward to prevent direct spillage of light onto neighboring properties and glare.

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

The proposed building will expand an existing industrial development within an area that is designated for such a development. The building will be constructed to match design and scale of the existing buildings. There will be no negative effect to the health, safety, general welfare.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #22-10 with the following conditions:

- 1) The property shall adhere to the submitted site plan.
- 2) The footprint of the building shall not exceed 24,000 square feet.
- 3) A building permit is required prior to the construction of the new addition. Plans must be reviewed and approved by the Minnehaha County Building Inspector.
- 4) Parking must be provided to meet county ordinance requirements.



- 5) All parking and loading areas must be hard surfaced according to requirements of Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 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.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #22-10 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #22-10 – Approved



ITEM 4. CONDITIONAL USE PERMIT #22-11 to transfer one (1) building eligibility from Lots 1 & 2 (Ex. Pump Station Addition & Ex. Tract 1 Gross Addition) NE¼ to the NW¼ NE¼ all in Section 6 T102N-R47W Red Rock Township.

Petitioner: Michael Gross

Property Owner: Same

Location: Along 256th Street, approximately 2 miles south of Garretson

Staff Report: Scott Anderson

General Information:

Legal Description – NW¼ NE¼ Section 6 T102N-R47W Red Rock Township.

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 157.2 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 3 miles to the southwest of Garretson along 256th Street. The applicant is requesting to move a landlocked building eligibility to the north where it will have access to 256th Street. The transfer would be from the SW ¼ NE ¼ to the NE ¼ NE ¼.

On February 10, 2021, staff conducted a site visit. The site is relatively open with views of Split Rock Creek to the north. Staff noted the development of the expansion of Palisades State Park along 256th Street approximately ½ mile to the west. The expansion of the park makes this area desirable for residential development.

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 six existing residences located approximately ¼ mile to the east of 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 a building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibility places it near other residentially used property. Access would have to be approved by the Red Rock Township. The siting of a 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. There is already an approach onto the proposed building site. Red Rock Township will need to approve the location of this approach for use as a residential approach, which is a change in use from a field approach.

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 this building eligibility in this location will enhance the productivity of the rest of this quarter section and locate the building eligibility in closer proximity of 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 #22-11 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. Approval from Red Rock Township must be obtained for the location of the driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #22-11 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #22-11 – Approved



ITEM 5. CONDITIONAL USE PERMIT #22-12 to exceed 1,600 square feet of accessory building space (requesting 2,250 square feet) on the properties legally described as Tract 38 & Tract 19 Lot 7 Bowman's Subdivision Section 21 T101N-R51W Wall Lake Township.

Petitioner: Wayne Steinhauer

Property Owner: Same

Location: 26581 East Shore Place

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 38 & Tract 19 Lot 7 Bowman's Subdivision Section 21 T101N-R51 Wall Lake Township.

Present Zoning – RR – Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – .44 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 2,250 square feet of total accessory building area. The two subject parcels are located along the eastern edge of Wall Lake, and are being considered as one property for this request. Currently, there are two accessory buildings between the two parcels. There is a 19'x 24' covered boat dock on the same parcel as the residence, and a detached accessory building on the adjacent parcel across the road. This detached accessory building will be removed and replaced by a 36'x 48' new structure, and the covered boat dock will remain on the property.

On February 11th, 2022, staff conducted a site visit of the two parcels, and the proposed location of the accessory building. The subject property is located in a dense residential development along Wall Lake, so the size of the proposed building should be taken into account. However, several properties in the surrounding area have similar sized buildings, and have been approved for similar conditional use permits. Specifically, directly to the east of the subject property there is a 1.37-acre parcel with several large buildings that was approved for a conditional use permit in 2018 to allow 4,920 square feet of accessory building space. Finally, another property in the area was approved in 2014 to allow 2,352 square feet of accessory building space on a .66-acre parcel.

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. Finally, the proposed structure is similar in size and design to other buildings already permitted in the area.



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

The proposed site for the accessory building is within a subdivision along Wall Lake that has several properties similar in size to the subject property, as well as similar approved uses. Meaning the proposed use should not have any impact on the development of surrounding vacant properties.

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

The proposed accessory building will be accessed by the existing driveway onto East Shore Place. The drainage in the area will not be significantly effected by the addition of an accessory building in the same general location as the previous building.

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

The proposed property for the accessory building is large enough to accommodate the off-street parking requirement. Also, the accessory building will add off-street 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 building. Finally, the proposed use fits with other uses already approved in the area, and the proposed structure is generally compatible with the Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-12 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 2,250 square feet.
3. That the building shall be an accessory use to the continued use of the property as a residential lot.
4. That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
5. That all outdoor lighting shall be of a fully-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 #22-12 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #22-12 – Approved



ITEM 6. CONDITIONAL USE PERMIT #22-13 to transfer one (1) building eligibility from the SE¼ & SE¼ NE¼ (Ex. Tracts 1 & 2 Nolz's Addition) to Tract 3 Nolz's Addition NE¼ all in Section 36 T102N-R51W Hartford Township.

Petitioner: Kady Nolz

Property Owner: David Nolz

Location: Along 466th Avenue, approximately 1 mile south of Interstate 90

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 3 Nolz's Addition NE¼ Section 36 T102N-R51W Hartford Township

Present Zoning – A1 Agriculture

Existing Land Use – Vacant Acreage

Parcel Size – 1.45 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 3 miles to the southeast of Hartford along 466th Avenue. The applicant is requesting to move a building eligibility to the north. The transfer would be from the NE ¼ to a recently platted lot – Tract 3, Nolz's Addition. The area in which the building eligibility is now located is used as pasture for an existing buffalo business. The move would locate the building eligibility near other existing residences.

On February 11, 2021, staff conducted a site visit. The site is relatively open with views of Skunk Creek to the northeast.

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 four (4) existing residences located near of 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 a building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibility places it near other residentially used property. Access would have to be approved by the Hartford Township. The siting of a 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. There is already an approach onto the proposed building site. Hartford Township will need to approve the location of any new driveways to be used for the new lot.

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 this building eligibility in this location will enhance the productivity of the rest of this quarter section and locate the building eligibility in closer proximity of 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 #22-13 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. Approval from Hartford Township must be obtained for the location of any new driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #22-13 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #22-13 – Approved



ITEM 7. CONDITIONAL USE PERMIT #22-14 to exceed 3,600 square feet of accessory building space (requesting 4,096 square feet) on the property legally described as the S½ Vacant Section Line ROW Lying Adjacent & N350' E½ NE¼ NE¼ Section 17 T101N-R52W Wellington Township.

Petitioner: Neili Fullenkamp

Property Owner: Same

Location: 45599 264th Street, approximately 6 miles south of Humboldt

Staff Report: Mason Steffen

General Information:

Legal Description – S½ Vacant Section Line ROW Lying Adjacent & N350' E½ NE¼ NE¼ Section 17 T101N-R52W Wellington Township.

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 5.30 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 4,096 square feet of total accessory building area on the subject property. The property currently has two detached accessory buildings, a 30'x 40' detached garage and a 12'x 24' horse barn. The proposed new accessory building will be a 40'x 65' building that will be located to the northeast of the existing residence and detached garage.

On February 11th, 2022, staff conducted a site visit of the proposed site for the accessory building. The area surrounding the subject property is largely agricultural in use with a few large residential acreages. Additionally, the property located directly to the north of the subject property built a 60'x 120' building in 2013, and the property directly south has multiple buildings that are similar in size to the proposed structure. Finally, due to the low density of residential uses in the area, along with the existing structures in the area, the proposed new accessory building will not significantly impact the development 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 building is located in an area with other similar residential acreages and farmland. There should be no anticipated impacts to the normal and orderly development and improvement of the surrounding vacant farmland or residential acreages. The



proposed size of the accessory building is generally compatible with other residential properties in the immediate vicinity.

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

The petitioner will be required to extend all required utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of another 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 building. The proposed use will fit within the uses of other properties in the rural area.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-14 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 4,096 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5) That all outdoor lighting shall be of a fully-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 #22-14 with staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #22-14 – Approved



ITEM 8. CONDITIONAL USE PERMIT #22-15 to expand the Class A, Dairy Concentrated Animal Feeding Operation to 6,500 head (9,100 AU) on the property legally described as the E½ SE¼ & the E½ W½ SE¼ Section 3-T103N-R49W Sverdrup Township and to include an updated manure management system on the property legally described as the W½ SW¼ (Ex. Tract 1 Brende's Addition) Section 2-T103N-R49W Sverdrup Township.

Petitioner: Danny Vanderdussen

Land Owner: Ronald & Elise Hefty

Location: 47592 251st Street, approximately 1.5 miles southeast of Baltic

Staff Report: Kevin Hoekman

General Information:

Legal Description – E½ SE¼ & the E½ W½ SE¼ Section 3 T103N-R49W Sverdrup Township & W½ SW¼ (Ex. Tract 1 Brende's Addition) Section 2-T103N-R49W Sverdrup Township.

Present Zoning – A1 Agriculture

Existing Land Use – Existing Dairy/Cropland

Parcel Size – 177.5 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The purpose of this request is to expand the footprint and number of animal units allowed on an existing dairy. The number of animal units is requested to raise from 5,600 animal units to 9,100 animal units (6,500 head of dairy cows). The expanded footprint will allow for manure management of the dairy to include a methane digester to separate natural gas from the manure. The current permit for the dairy is CUP #19-30 which allows 5,600 animal units (4,000 head of dairy cows) on the dairy.

One month ago, the petitioner began a request to enlarge the footprint of the dairy to allow for manure processing to include a methane digestion process to capture natural gas from the manure. The request was withdrawn before the hearing, in order to make changes to the request to allow for an expansion of animal units as well. The petitioner submitted a letter sent to surrounding property owners which explains the reason for the change in request. The letter explains that the methane digester will be built to the maximum permitted size of the dairy, so the request for additional animal units will allow the methane digester to be sized for future growth of the dairy.

The existing dairy is located approximately a mile and a half southeast of Baltic on 251st Street. The proposed expanded footprint will be across 476th Avenue directly to the east of the existing dairy. The submitted site plan shows two new uncovered manure basins. One of the manure basins is located on the northeast of the existing farm while the other manure basin is located on the proposed area east of 476th Avenue near the methane digester portion of the project. The methane digester part of the project will also contain a covered manure basin and an area for the digester itself and related equipment. Conservation trees are proposed to be located to the north, east, and south of the



expanded site addition. The west side of the new addition will be open to the township road and to the existing dairy.

Since this project is an expansion of an existing permit, the recommended conditions include all existing conditions with additions and revisions to include the proposed additional area and additional animal units.

The site plan is an important aspect of any conditional use permit. Below is a list of required elements for general CUPs as well as the last two elements that specifically address requirements for CAFOs. The required elements are listed in bold font at the beginning of the following paragraphs, and each listed element includes a description of the petitioner submitted materials that regard each element. The petitioner has provided a site plan for the proposed expansion area. Since the existing dairy has already been approved, the descriptions of the site plan elements pertain only to the proposed expansion.

The address of the property and the legal description.

The expanded property does not have an address yet. The legal description of the expanded area is included in the application.

The name of the project and/or business.

The project name is on the site plan as Driftwood Dairy Proposed Digester Site.

The scale and north arrow.

A north arrow and scale are provided on the site plan.

All existing and proposed buildings or additions.

The buildings and lagoons of the existing dairy are located on the site plan. The proposed lagoons and digester site are located on the proposed site too. The barn addition shown on the site plan will be located directly east of the existing barn.

The dimensions of all buildings.

The dimensions of buildings are not specifically listed in the site plan. The proposed barn addition will be located directly east of the existing barn the size of the barn appears to nearly double in size. This is in proportion with the requested increase in animal units. The proposed additional area east of 476th Avenue will have minimal buildings on the site. The proposed additional space will have new lagoons and equipment as primary structures.

The distance from all buildings to the property lines at the closest points.

The distances of the structures and building to the property lines of the proposed expansion site are not included on the site plan. The scale of the project shows that the 50 feet required setbacks can and will be met by the structures. The 50 feet setback requirement will include 50 feet from the front yard of any structures or manure containment.

Building height and number of stories.

The proposed expansion area will have a few small buildings the size and height are not



listed on the plan. The barn addition will certainly be one story tall in line with the existing barn. Agricultural structures do not have height restrictions.

Dimensions of all property lines.

The existing dairy takes up most of the southeast quarter of section three and the dimensions are not shown on the site plan. The size of the proposed additional property west of 476th Avenue is approximately 77 acres, and the north/south property lines are nearly ½ mile long. The proposed manure management and shelter belt will not take the entire 77 acre area.

Parking lots or spaces; designate each space; give dimensions of the lot, stalls, and aisles.

The property is large and will accommodate all parking. No on-street loading and unloading will be allowed.

Screening including height, location, and type of material to be used. - And similarly - The landscape setback and trees indicating the species of trees and materials to be used for landscaping.

The site plan of the proposed addition shows a tree belt around the north, east, and south of the addition. The plan states that the tree belt will include five rows of trees. The existing dairy portion has most of the trees planted as shown in the 2019 conditional use permit site plan. Some of the trees were not planted as planned because of ongoing construction. The petitioner has explained to staff that the trees are ordered for planting in 2022.

Name and location of all adjacent streets, alleys, waterways and other public places.

The adjacent street names are included on the plan. The proposed additional land will front 476th Avenue between 250th Street and 251st Street. The primary access to the dairy is from 251st Street.

A grading Plan designed to minimize contamination of stormwater runoff from manure containment facilities or animal pens.

A grading plan is not included in the site plan. The area generally slopes to the north. No stormwater will be allowed to spill out of the lagoons. Animal pens are located inside the barns and rainwater will not flow through the barns.

The location of all existing and proposed structures, including manure containment facilities and confinement buildings and corrals. All new structures and corrals shall be located a minimum of 50 feet from any property line.

The site plan shows the existing and proposed buildings, lagoons, and facilities. All new structures and manure containment must be located 50 feet or farther from a property line. Based on the scale of the site plan, the 50 feet setback will be met for all property lines.

Setbacks and other requirements.

As a Class A CAFO requires a setback of 3,960 feet from a dwelling, church, or business. This setback can be reduced to 1,980 feet if a shelterbelt of trees are planted and maintained between the structures and the CAFO. The site plan shows that the proposed addition will meet setback



requirements if trees are planted to reduce the required distance. No waivers will be required prior to approval of this proposed expansion and addition.

Conditional Use Permit Criteria:

As part of any conditional use permit request, the Planning Commission is required to consider several 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 project is an expansion to an existing dairy. The footprint of the site will extend over the township road to the east to set up a methane digestion facility in order to process manure. No required setbacks will be further reduced due to the proposed facility. The process separating methane from the manure will have the added benefit of removing several other gasses which cause odor and reduce the overall odor of the dairy. The petitioner stated that there is an expectation that odor will not increase due to added animal units and may well decrease because of the methane digestion technology.

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

The surrounding land uses of the dairy are predominantly agricultural with a mix of several single family dwellings and farmsteads. Agriculture will likely continue to be prominent into the future of the area. The expanded area of the dairy will unlikely affect further agricultural development in the area.

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

The petitioner will have the responsibility of extending any needed utilities to the facility. Since the addition will cross a township road the petitioner should work closely with the township for any required permits for work within the right-of-way. The land where the addition is proposed generally drains to the north. The lagoon on the site must be designed to capture the rainfall which lands directly inside of the basin in addition to the projected manure containment.

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

The site is large enough to accommodate off street parking and loading. No parking or loading should take place on the township roads.

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.

Some levels of odor, fumes, dust, noise, and vibration are common parts of agricultural production, and these characteristics of ag production can only be reduced and not eliminated. The primary means of reducing offensive odor, fumes, dust, noise, vibration, and lighting is the distance required through setbacks to neighboring dwellings, businesses, and churches. The petitioner is proposing a processing facility which has the ability to reduce noxious fumes from the manure. In addition, there will be trees planted around the facility as shown on the site plan. As trees grow, they should aid in reducing the common agricultural dust and noise levels from the facility.



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

The proposed project will expand the animal units and the footprint of an existing dairy. The expanded area is planned for use of a methane digester to produce natural gas and reduce odor causing items out of the manure. The dairy and its expansion are located firmly within the Agricultural Production Area of the Envision 2035 Comprehensive Development Plan. In the description of this designated area, a goal of the Envision 2035 Comprehensive Development Plan is to “protect, preserve, and promote agricultural uses and the economic viability of farming operations.”

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-15 to expand CUP19-30 with the following amended conditions:

- 1.) The maximum size of the dairy facility shall be limited to 9,100 animal units.
- 2.) Any required permits from the state must be obtained and maintained for the dairy and all manure processing.
- 3.) Before the facility can be expanded to more than 1,000 animal units, the shelter belt tree plantings must be completed.
- 4.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the Planning Director at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 5.) The proposed barn shall have engineer certified drawings that shall be submitted for review by the Building Inspector prior to the issuance of a building permit.
- 6.) The Planning & Zoning Department reserves the right to enter and inspect the CAFO 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 Minnehaha County Zoning Ordinance.
- 7.) All new structures must obtain building permits prior to construction.
- 8.) Trees must be planted around the additional manure facility as shown on the submitted site plan on or before July 2024. Trees must be maintained with a 90 percent survivability rate, and dead trees must be replaced within one year.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented a brief overview of the staff report and recommendation to the commissioners.

Commissioner Barth asked Kevin if the current dairy had an assigned address, due to the fact that the staff report indicated that they do not have an address. Kevin explained that the dairy does have an assigned address, but that the address was not provided on the submitted site plan, which is what the staff report was referencing.

The petitioner, Danny Vanderdussen, of 47568 251st Street, presented a PowerPoint to the commission detailing his background and the reasons as to why he is wanting to expand the dairy. Mr. Vanderdussen explained that he was approached by the methane digester company shortly after purchasing the dairy in 2019, and that the expansion of animals' portion of the request is not imminent. He further explained that they will be building the methane digestors to handle the



amount of manure produced by the requested 6,500 head of dairy cattle, even though they will not be immediately expanding to this size, because it would be difficult to expand the digestors in the future.

Paul Kostboth, of A1 Development Solutions, at 101 N Main Avenue, Sioux Falls, addressed the commission. Mr. Kostboth explained that he worked with the previous owners in 2019 to expand the existing dairy and sell the property to Danny Vanderdussen. Additionally, he explained that on the original permit in 2019, they self-imposed a 2,640' setback from the surrounding dwellings, as opposed to the required 1,980'. Mr. Kostboth went on to explain the submitted site plan in detail, including the location and size of the new and existing barns, locations of the manure lagoons, and the location of the methane digestors. Furthermore, he explained that the methane digester project is a partnership named MBL Bioenergy, and is a collaboration between three companies: California Bioenergy, Sevana Bioenergy, and UGI Corporation.

Mr. Kostboth then explained to the commission what anaerobic digestion is and how it can be used to reduce the odor involved with dairy operations. He then stated that the SD Odor Footprint Tool, which most CAFO operations in the state use to determine their potential odor output, does not include an option to reduce the odor output with anaerobic digestion. He further explained that based on data obtained from a Dairy Manure Management study, anaerobic digestion can reduce the amount of odor produced from a dairy by up to 97%. He then went on to explain that even if this reduction was only 50%, all of the surrounding dwellings would be outside of the 91% odor free ring. This means that 91% of the odor from the dairy would be gone by the time it reached the dwellings. Finally, he explained the timing and financing for the operation, including that both the digestors and animal expansion would cost \$10 million each, and that construction on the digestors is set to start in the summer of 2022.

Commissioner Barth asked Paul Kostboth where the dairy would obtain the water necessary for the operation. Mr. Kostboth stated that the water would be from Minnehaha Community Water Corporation. Commissioner Barth then asked Mr. Kostboth if Minnehaha Community Water Corporation had the amount of water necessary for the operation because the demand for water will continue to go up into the future. Mr. Kostboth explained that it was his understanding that they did have enough water for the operation.

Commissioner Barth then asked if the methane would be injected into the Northern Natural Gas pipeline. Mr. Kostboth explained that, yes, they will be using the same pipeline as the Brightmark/Northern Natural Gas Project. Commissioner Barth then asked why they were not connecting to the pipeline at the connection located in Minnehaha County. Mr. Kostboth explained that the other two dairies that connect to this dairy are much farther north, in Moody County, and that it made more sense to have the connector in Moody County.

Ralph & Kathleen Stieben, of 47625 250th Street, came to the podium to address the commission. Mr. Stieben explained that he moved to this property after retiring in order to have a quiet place outside of the city. He also explained that his biggest issue with the dairy is the amount of noise that is made constantly, which makes it hard from him and his wife to sleep. Additionally, he stated that the trucks that haul feed to the dairy cause his property to be covered in dust, and that he believes



that road needs to be paved. Finally, he continued to express his disapproval for the request, and hoped that the commission did not approve the expansion closer to his property.

Michael & Trish Roach, of 47627 250th Street, then addressed the commission with their concerns about the dairy. They stated that the fans are very loud and that they are worried an expansion would create more noise. Additionally, they explained that the screening trees that the petitioner planted are very small, and that they will not be screening anything from their view for the next 15 to 20 years. Finally, they stated that these concerns may have little effect on Baltic, but they have a large effect on their property.

Commissioner Barth asked planning staff where these neighboring residences were located, and to confirm the setbacks. Kevin Hoekman confirmed the locations of the residences on the site plan, and stated that these residences are approximately 2,640 feet to the northeast of the dairy.

Commissioner Barth then stated that he believes finding another use for methane, as opposed to letting it emit from the lagoons, is a good idea. Additionally, he stated that the agricultural industry is becoming more and more heavy industrial, and that all things eventually change.

Ralph Stieben came to the podium and stated that if any commissioners want to buy his house he would sell it immediately due to the nuisance caused by the dairy.

Danny Vanderdussen returned to the podium to address the neighbor's concerns. He explained that they are doing what they can to reduce the smell, and that they believe the digester will help with the odor. Also, he explained that the vacuum trucks he is using are louder than he anticipated, and he is exploring options to reduce the sound. This includes adding three inches of insulation to the walls of the barn when they expand onto the existing barn, but he also stated that the fans have to be on a majority of the time for the health of the cows. Mr. Vanderdussen also stated that he is open to adding more trees closer to the neighbors, and that he has called Chandler Feed in order to change their truck route away from the neighbors. Finally, he explained that he has talked to the fan manufacturer about a potential muffler, and that their engineers are currently working on a potential solution.

Paul Kostboth added that they are submitting an application to the South Dakota Department of Transportation to see if they can receive assistance on maintaining the road south of the dairy, which connects to State Highway 115. Commissioner Barth then asked for clarification on which road Paul was referring to, and Mr. Kostboth reiterated that it is the road on the south side of the dairy and not the road on the east side of the dairy. Finally, Mr. Vanderdussen offered to buy Ralph Stieben's property at the appraised cost excluding the proximity to the dairy, as a potential solution to the neighbor's concerns.

Commissioner Barth commented that he appreciates that the neighbors are in communication with each other, and hopes that they can continue to work on the issues together.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

FEBRUARY 28th, 2022

Action

Commissioner Barth made a motion to **approve** Conditional Use Permit #22-15 with the eight (8) staff recommended conditions. The motion was seconded by Commissioner Mohrhauser. The motion passed unanimously with 4 votes in favor of the motion.

Conditional Use Permit #22-15 – Approved



ITEM 9. CONDITIONAL USE PERMIT #21-71 to allow Outdoor Commercial Storage on the property legally described as Tract 1 Funke's Addition SE¼ Section 26-T101N-R48W Split Rock Township.

Petitioner: Alex Halbach

Property Owner: Rex Gulickson

Location: Southwest corner of Rowena

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Funke's Addition SE¼ Section 26 T101N-R48W Split Rock Township

Present Zoning – C – Commercial

Existing Land Use – Cropland

Parcel Size – 2.00 Acres

Staff Report: Kevin Hoekman

Update:

This project was first proposed at the October 25th, 2021 planning commission meeting, and again at the November 22nd 2021 and January 24th, 2022 meetings. The reason for the deferrals were to understand road and drainage issues for the property. at the last hearing the petitioner stated that he had presented a drainage plan to the township, but the meeting date for the township was not in time for the January Planning Commission meeting. It is expected that the petitioner will have a drainage plan approved by Split Rock Township by February 28th, 2022.

Staff Analysis:

The petitioner is requesting to have outdoor storage on the above site with lights and full surround fence with a gate. An outdoor storage yard requires approval of a conditional use permit in a commercial zoning district. The parcel is located on a gravel surfaced road which runs along the west side of Rowena between SD Highway 42 and 267th Street. The subject property is located within the Red Rock Corridor Overlay District which requires several increased development standards compared to the Zoning Ordinance at large.

The petitioner has submitted a brief narrative description of the project and a detailed site plan. The narrative explains that the property will be used for paid storage of boats, campers, trailers, and similar items. The property will be illuminated and have a fence surrounding all outdoor storage. The site plan indicates 77 parking spaces measuring 12 feet by 35 feet which line the perimeter of the property.

Since the property is located within the Red Rock Corridor Overlay District, several increased development standards will apply to the parcel. The enhanced standards primarily include increased buffer yards between properties and required tree plantings within the buffer yard. The standards are addressed in the current site plan. The proposed use of the property should be simple to arrange to meet the standards with administrative approval.



The first standard which will be required is that all lighting must be directed downward and fully cutoff. This will prevent light from glaring into neighboring properties.

As a commercial property in the Red Rock Corridor, a 30 feet wide buffer yard must be placed between the land use and the residential used property to the east of the site. The 30 feet buffer yard will be required to include 8 trees per 100 linear feet of property line. Since the property line on the east side of the parcel is approximately 140 feet long 12 trees must be placed in the buffer yard. the aerial imagery of the site shows that some trees may be existing on the property now. These existing trees can act as the required planting as long as they meet the quantity requirement of 8 trees per 100 feet. Staff suggests that the proposed chain link fence include screening slates along the east side of the property to aid in the buffer of the residential and commercial use.

The Red Rock Corridor also requires a buffer yard of 15 feet between any new commercial development and any existing commercial development. This 15-foot buffer yard must be placed along the north side of the property line. Five trees must be planted for every 100 feet of buffer yard. since the north property line is just short of 500 feet long, 25 trees must be planted in the buffer yard.

This item was heard by the Planning Commission on October 25, 2021. It was continued at that meeting in order to allow the applicant additional time to address the drainage with Split Rock Township and nearby property owners.

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.

Outdoor storage is a low impact use and similar to what already exists in the area. Lighting should be limited to cut off fixtures and the slatted fence should prevent headlights from shining in neighboring residential uses.

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

Rowena has recently been expanding this sort of personal storage uses around the perimeter of the village. Residential uses will not likely expand in the area. And commercial uses will likely slowly continue to expand as more traffic travels SD Highway 42.

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

The property is accessed from Ledge Rock Avenue which is a gravel road. The use will increase impermeable ground on the site through gravel or other surfacing materials. The slope of the land will direct water to the southwest and towards water ways to the west. The petitioner will be responsible to extend any needed utilities to the site.



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

Off street parking for the site is not applicable since the entire property will act as a parking lot for storage. Since the property is accessed from a gravel road, the surface of the outdoor storage may be gravel to comply with surfacing requirements.

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.

Fencing, buffer yards, and required tree plantings will reduce many potential nuisances of the site. Cutoff lighting must be used to prevent glare on neighboring properties.

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

Rowena is a rural service area within the comprehensive plan. Expanding commercial use is expected.

Recommendation: Staff recommends **approval** of Conditional Use Permit #21-71 with the following conditions:

- 1) This conditional use permit is to approve outdoor storage on the described property.
- 2) A revised site plan must be approved by Planning Staff to meet all requirements of the Red Rock Corridor Overlay District. The site plan must be approved prior to construction of the fence.
- 3) The fence along the east property line must include screening slats through the entire length.
- 4) All lighting must be fully cutoff and directed downward to prevent glare from spreading off the property.
- 5) A drainage plan must be approved by the Planning Department prior to development.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, briefly explained the item to the commission. He stated that the item was continued to this meeting in order for the petitioner to gain township approval for a drainage plan.

The petitioner was not present at the meeting and there were no neighbors in the audience.

Commissioner Duffy explained that she had heard from the Split Rock Township Clerk that the petitioner, township, and neighbors had discussed the maintenance and drainage of Ledge Rock Avenue, but that she was not sure if an agreement had been officially approved.

Commissioner Mohrhauser commented that he would be comfortable with approving the request at this time because the petitioner would need to meet Condition #5 before any construction could take place on the subject property.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

FEBRUARY 28th, 2022

Action

Commissioner Mohrhauser made a motion to **approve** Conditional Use Permit #21-71 with staff recommended conditions. The motion was seconded by Commissioner Barth. The motion passed unanimously with 4 votes in favor of the motion.

Conditional Use Permit #21-71 – Approved

Old Business

None.

New Business

Scott Anderson, of county planning staff, explained to the commissioners that the demonstration on the new Civic Clerk software would happen at a later meeting that is not as busy as this meeting.

Commissioner Barth introduced Joe Kipley, who is a candidate to become a county commissioner, to planning staff and the other commissioners.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion was approved unanimously. The meeting was adjourned at 9:22 p.m.