



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
January 27, 2025**

A meeting of the Planning Commission was held on January 27, 2025 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, Mike Ralston, Ryan VanDerVliet, Cindy Heiberger, 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.

ITEM 1. Election of Officers for 2025

Commissioner Randall made a motion to nominate Bonnie Duffy for Chair and was seconded by Commissioner Ralston. The motion passed unanimously.

Commissioner VanDerVliet made a motion to nominate Becky Randall for Vice-Chair and was seconded by Commissioner Kippley. The motion passed unanimously.

Commissioner VanDerVliet made a motion to recess the County Planning Commission and was seconded by Commissioner Kippley. The motion passed unanimously. The County Planning Commission meeting was **recessed** at 7:02 pm.

Commissioner Duffy **reconvened** the County Planning Commission meeting at 8:49 pm.

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 planning staff requested that Item 3 be removed from the consent agenda

A motion was made to **approve** the consent agenda consisting of Items 2, 4, & 5 by Commissioner Ralston and seconded by Commissioner Kippley. The motion passed with 4 votes in favor of the motion and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.



ITEM 1. Approval of Minutes – November 25, 2024

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Kippley to **approve** the meeting minutes from November 25, 2024. The motion passed with 4 votes in favor of the motion and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.



Consent Agenda

ITEM 4. CONDITIONAL USE PERMIT #25-03 to transfer one (1) building eligibility from the SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ all within the S $\frac{1}{2}$ NE $\frac{1}{4}$ (Ex. Tract 1 Anderson Addition) Section 29 T101N-R47W Valley Springs Township.

Petitioner: Doug Anderson

Property Owner: Joyce G Anderson Family Trust

Location: Approximately 4.5 miles east of Sioux Falls

Staff Report: Mason Steffen

General Information:

Legal Description – S $\frac{1}{2}$ NE $\frac{1}{4}$ (Ex. Tract 1 Anderson Addition) Section 29 T101N-R47W Valley Springs Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 74.61 Acres

Staff Report: Mason Steffen

Staff Analysis: This building eligibility has a conditional use designation due to it being located in a landlocked quarter-quarter section, and therefore it requires a conditional use permit in order to be utilized. The petitioner is requesting to move the building eligibility from the landlocked SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of this section, which is located along 486th Avenue. On January 9, 2025, staff conducted a site visit of the subject property and surrounding area. The existing residential density in the area is low with only one existing farmstead within a half-mile of the subject property. There is also an additional vacant farmstead along 486th Avenue to the north of this transfer that is owned by the property owner, but has yet to be developed into a new residential acreage. Additionally, the property is located only a quarter-mile south of a paved county highway, and therefore any additional traffic on gravel township roads will be minimal. Finally, given this low residential density, the proposed building eligibility transfer will not overly impact the surrounding 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.

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. There are no permitted concentrated animal feeding operations within a mile of the proposed building site, and there is only one existing acreage within a half-mile of the property. Therefore, this proposed residential use should have minimal impact on the surrounding property owners.

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



The subject property is located in the agricultural production area of the county where the predominant use of vacant land is agricultural. In addition, any development of this vacant land will be limited to the available building eligibilities on the land, and the transfer of this building eligibility will not impact any future development.

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

The petitioner will need to obtain the applicable driveway permits in order to have access onto the property before a single-family dwelling can be constructed. The petitioner will also be required to obtain access to all the necessary utilities for the property. A single-family dwelling will have minimal effect on drainage in the area.

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

Two off-street parking spaces are required for a single-family dwelling. The off-street parking requirement will be met once a single-family dwelling is constructed.

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.

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

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

The proposed building eligibility transfer will have no anticipated effects on the health, safety and general welfare of the public. This building eligibility transfer will not increase the number of building eligibilities within the section, and will allow for the preservation of more farmland, which conforms to the goals of the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-03 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 Valley Springs 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 Kippley to **approve** Conditional Use Permit #25-03 with the staff recommended conditions. The motion passed with 4 votes in favor of the motion and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

Conditional Use Permit #25-03 – Approved



ITEM 5. CONDITIONAL USE PERMIT #25-04 to amend CUP #22-72 to remove the portion of the conditional use permit for a Manufactured Home on the properties legally described as the W½ Vacant Access Road & Tract 4 Lot 7 Bowman's Subdivision and the E½ Vacant Access Road & Tract 35 Lot 7 Bowman's Subdivision all in Section 21 T101N-R51W Wall Lake Township.

Petitioner: East Shore Place Vacations LLC.

Property Owner: Same

Location: 26557 East Shore Place

Staff Report: Kevin Hoekman

General Information:

Legal Description – W½ Vacant Access Road & Tract 4 Lot 7 Bowman's Subdivision and the E½ Vacant Access Road & Tract 35 Lot 7 Bowman's Subdivision all in Section 21 T101N-R51W Wall Lake Township

Present Zoning – RR Rural Residential

Existing Land Use – Residential Lot

Parcel Size – .3 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

In 2022, Conditional Use Permit #22-72 was approved to allow a bed & breakfast establishment on the subject property within a proposed manufactured home. Planning Staff approved a minor amendment of the conditional use permit in 2023 to temporarily allow the land use within the existing cabin. The minor amendment is expired and the manufactured home has not been built. This conditional use permit is required to allow the bed & breakfast to continue on the property. The manufactured home that was planned for the site is not expected to be placed within a two-year expiration date, and therefore, removing the manufactured home requirement (as this requested amendment will do) was determined to be the best option to keep the land use on the property.

Conditional Use Permit #22-72 was approved as a bed & breakfast because short term rental was not a listed land use in the ordinance at the time. The Planning Commission decision to approve the bed & breakfast was appealed, and the County Commission upheld the approval and made an amendment to the conditions of approval. The County Commission amendment limits the number of guests allowed at the bed & breakfast to six people of the same family.

The applicant has been utilizing the existing cabin as a bed & breakfast since staff permitted a minor amendment on the CUP in 2023. The applicant has expressed to staff that the cabin will still need to be replaced, but the timeline for replacement is uncertain. The applicant may consider replacing the cabin with a stick framed home in the future. If this CUP is approved and a manufactured home is desired at a later date, then a new conditional use permit will be required.

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 CUP amendment is located within a subdivision of lakefront properties. The property is already approved and being used for bed & breakfast operation, and this proposed amendment will continue the operation as it is currently. The cabin has been updated to accommodate the bed & breakfast for now. The property owner may replace the cabin with a stick framed construction that follows the International Residential Code requirements for construction. This will require removal of the existing cabin. A stick frame house will be similar to other houses on the lakefront. Removing the manufactured home from the conditional use permit will have little affect with the property in the immediate vicinity.

The neighboring property to the south is owned by the same property owner and is operated as a short term rental. That neighboring short term rental was approved with no opposition in 2023. A privacy fence stretches along the entire north property line.

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

The property is already operating as a bed & breakfast. Removing the request that the bed and breakfast take place within a manufactured home will change the neighborhood very little. The neighborhood surrounding the subject property is nearly fully developed. Any new development will likely be additional single family dwellings or replacement residential houses. The request will not have any negative effect on the development of remaining lots in the area.

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

The property is already developed with a house and driveway. If the cabin will be replaced, the property owner will be required to work with utility companies for reconnection.

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

The previous permit had a requirement of one parking space. The property meets that requirement and has additional parking available.

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.

This request is an amendment to an existing CUP. The amendment will not increase any potential for offensive odor, fumes, dust, noise, vibration, and lighting on the property. Staff has not received any complaints about the land use since it was approved in 2022.

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

This request is an amendment to an existing permit. If approved there will be little to no change over how the property has been operating over the last year.

It should be noted that since CUP #22-72 was approved for a bed and breakfast operation, the county adopted short term rental as an allowed land use with a conditional use permit. The rules for a short term rental are slightly different than what was approved for CUP #22-72. Differences include two conditions of a short term rental requiring contact information be available to Planning



Department and available for the guests staying at the house. These contact requirements are not requirements of CUP #22-72. Additionally, the current short term rental ordinance requires one parking space for each bedroom in the dwelling. CUP #22-72 only requires one parking space total. There is enough room on the property to fit several more parking spaces on the site. Finally, the short term rental ordinance includes a maximum occupancy of three guests for every bedroom in the house. CUP #22-72 allows a maximum of six guests total with no regards to the size of the dwelling. The condition for maximum of six guests was an amendment placed on the permit by the County Commission when the permit was approved.

The Planning Commission and the applicant for this permit should both be aware of the differences between the current ordinance and what was approved for CUP #22-72. Staff's recommendation for conditions only removes the reference for the need to have a manufactured home on the property. The Planning Commission may amend conditions further if it is determined amendments are needed.

Throughout the application process for this amendment, the applicant has reminded staff that there is still intention to replace the cabin with another residence. A replacement residence will require a building permit and must meet the adopted building code. the conditions approved with this amendment will still be required if the cabin is replaced with another residence.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-04 with the following conditions:

- 1.) The house must have functioning smoke and carbon monoxide detectors as required by the building code as adopted by Minnehaha County.
- 2.) The proprietor must obtain any applicable South Dakota Sales Tax that is required.
- 3.) The proprietor must obtain the required Lodging License with the South Dakota Department of Health.
- 4.) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.
- 5.) The establishment shall be limited to a total of six guests of the same family at one time.
- 6.) Guests shall have at least one dedicated off street parking space.
- 7.) That the Planning & Zoning Department reserves the right to enter and inspect the bed and breakfast establishment 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 Kippley to **approve** Conditional Use Permit #25-04 with the staff recommended conditions. The motion passed with 4 votes in favor of the motion and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

Conditional Use Permit #25-04 – Approved



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #25-01 to allow Outdoor Commercial Storage on the property legally described as the W772.8' N411.9' S½ Government Lot 2 SW¼ (Ex. H-3) Section 7 T102N-R49W Mapleton Township.

Petitioner: CNR Properties LLC.

Property Owner: Same

Location: 25782 472nd Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – W772.8' N411.9' S½ Government Lot 2 SW¼ (Ex. H-3) Section 7 T102N-R49W Mapleton Township

Present Zoning – C Commercial

Existing Land Use – Vacant Lot

Parcel Size – 4.97 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to allow outdoor storage on the subject property, which requires conditional use permit approval in the C Commercial District. The property is located along County Highway 133 just north of Renner Storage at the Crooks/Renner exit off of Interstate 29. The property was recently rezoned to the C Commercial District in February of last year, and the property owner has been working to convert the site from the previous use as a residential acreage. Currently, the site is mostly vacant but there are two approved shipping containers and other various materials being stored outdoors. This conditional use permit will allow these materials to continue to be stored outdoors, and the property owner is proposing to be build a warehouse on the property at a later date.

On January 9, 2025, staff conducted a site visit of the subject property and surrounding area. The Crooks/Renner exit off of I-29 has many existing commercial/industrial uses, but the neighboring property to the north of the subject property is a residential acreage. Additionally, the petitioner has already removed most of the trees from the site, except for some trees along the north property line, and has already hard-surfaced the entire lot with crushed asphalt. Finally, allowing the property owner to store their materials outdoors on the site is an adequate use of this commercial property and will not overly impact 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.

The uses already permitted in the area largely include commercial/industrial uses, except for the neighbor property to the north of the subject property. The property owner will be required to install a privacy fence along the north property line, in order to minimize the impact on the neighboring



residential use. Therefore, the proposed outdoor storage should not overly impact the uses 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.

This area around the Crooks/Renner exit off of Interstate 29 is heavily used for commercial/industrial uses, and the use of this lot for outdoor storage will be a continuation of these existing uses. Additionally, multiple properties in the area have recently been rezoned to commercial, and commercial uses are likely to expand in the area into the future.

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

The operation has existing access onto the county highway and this access has already been hard-surfaced with crushed asphalt. No other utilities should be needed for the property to be utilized as outdoor storage. The drainage in the area will not be impacted by the outdoor storage placed on the property.

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

This type of operation does not have defined parking or loading requirements within the zoning ordinance. The site is large enough to handle all of the off-street parking and loading needs for the outdoor storage operation. No storage or parking will be allowed within the public right-of-way.

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.

Lighting and glare from this type of operation does have the potential to be a nuisance to neighboring properties. However, lighting is also needed on the property to maintain the proper site visibility and for security. Therefore, any new lighting that is installed on the property should be designed to direct light so that it does not spill off of the property. The privacy fence will also reduce the potential of nuisances from the property impacting neighboring residential properties.

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

The subject property was recently rezoned to the C Commercial district, and the use of the property as outdoor storage is an adequate use for a commercial site. It is also unlikely that the request will create any additional health, safety or welfare concerns. Finally, this area is designated as a rural service area in the Envision 2035 Comprehensive Plan, which specifically allows for the development of commercial and industrial uses.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-01 with the following conditions:

- 1) That the property shall adhere to the submitted site plan.
- 2) That all driving and parking areas shall be hard surfaced and maintained to the standards of the 1990 Revised Zoning Ordinance for Minnehaha County Zoning.
- 3) That all outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.



- 4) That building permits shall be required for any buildings and signage on the property, prior to construction.
- 5) That an eight-foot privacy fence shall be constructed along the entire north property line.
- 6) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony & Discussion

Mason Steffen, of county planning staff, briefly explained the staff report and stated that the petitioner had contacted the Planning Department regarding changing one of the proposed conditions. He explained that the petitioner would prefer that condition number five be changed from an eight-foot privacy fence to allow for trees along the north property line.

The petitioner, Nick Ritter of 5105 S Sweetbriar Drive, Sioux Falls, SD, was present and available for questions from the commission.

Commissioner Duffy asked the petitioner if they were aware of the proposed condition change by planning staff. Nick Ritter explained that they were aware of the condition and had been in contact with staff regarding the conditions. He also stated that they plan to build a building on the property in the future, and plant trees along the north property line, so the proposed condition aligns with their plans for the property.

Action

A motion was made by Commissioner Randall and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-01 with the amended conditions recommended by staff. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-01 – Approved with the following conditions:

- 1) That the property shall adhere to the submitted site plan.
- 2) That all driving and parking areas shall be hard surfaced and maintained to the standards of the 1990 Revised Zoning Ordinance for Minnehaha County Zoning.
- 3) That all outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 4) That building permits shall be required for any buildings and signage on the property, prior to construction.
- 5) The petitioner shall submit a landscape plan to the Planning Department for review by February 21, 2025. This plan shall include at least twenty-five evergreen coniferous trees planted along the north property line. All trees shall be kept in a live state. Any dead tree shall be replaced within one growing season.
- 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.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

JANUARY 27, 2025

Old Business

Scott Anderson, the County Planning Director, explained that he had presented a briefing on the Envision 2045 Comprehensive Plan to the County Commission on January 21, 2025. He further explained that the County Commission set the public hearing date for the adoption of the comprehensive plan as February 18, 2025.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Heiberger and seconded by Commissioner VanDerVliet. The motion was passed unanimously. The meeting was adjourned at 9:00 p.m.