

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on February 25, 2025, pursuant to adjournment on February 18, 2025. COMMISSIONERS PRESENT WERE: Beninga, Bleyenberg, Heisey, and Kippley. Commissioner Karsky was absent. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

City Council Members present were: Haak, Hanzlik, Berg, Jones, Ronshaugen, Mier, Cavigielli, Mayor Earley. Council member Nelson was absent.

Vice-Chair Bleyenberg called the meeting to order.

MOTION by Beninga, seconded by Kippley, to Approve the Agenda. 4 ayes. The City Concurred.

CONDITIONAL USE PERMIT APPEAL

Kevin Hoekman, Planner, was present for the public hearing to consider an appeal of a decision by the Joint Planning Commission to Approve Conditional Use Permit #25-02 to allow outdoor industrial storage. The property is legally described as Lot 11 E of Highway 77 (Ex. N4 Acres & Ex. Lots A, B, E, F, G & Ex. Part of Tract 1 Weelborg Addition) Section 16 and Part of Outlot A Lying E of Highway (Ex. Weelborgs Addition & H2) Section 21 all in T104N-R49W Dell Rapids Township. The petitioner is Roberta Luttmann and the property owner is RJ Weelborg LLC. The applicant is seeking a conditional use permit to allow outdoor industrial storage at 24670 475th Ave in Dell Rapids. The Joint Planning Commission heard this item at the January 27th Planning Commission. Prior to the meeting, a presentation was submitted in opposition to the hearing. Several neighborhood residents spoke in opposition to the request at the Planning Commission hearing. Many of the concerns brought by neighbors centered on the unsightliness of storage on the property. The County Planning Commission amended the recommended conditions to add to Condition #3 that vehicles and trailers shall be licensed. The Dell Rapids Planning Commission amended the recommended conditions to add a compliance date of July 1, 2025, to review that conditions are being met. Both Planning Commissions unanimously approved the request for outdoor storage with 11 conditions as amended. Following the appeal, additional materials were submitted for consideration. Since the Joint Commission and City Council have the ability to amend the Joint Planning Commission decision, the applicant submitted a request to amend two conditions. The submitted request is specific to conditions #3 regarding license requirement and #10 regarding the pre-annexation agreement.

Vice-Chair Bleyenberg called for proponents and opponents to speak on the topic. Tommy Johnson, representative of the petitioner, spoke in favor of the conditional use permit. The following people spoke in opposition to the conditional use permit: Dan Richardson, Cathy Richardson, Jeff Fiegen, Nikki Harrington, and Zach Apland. Mr. Johnson provided a rebuttal on behalf of the petitioner.

MOTION by Heisey, seconded by Kippley, to Remove the Pre-Annexation Agreement with the City of Dell Rapids as a Condition.

SUBSTITUTE MOTION by Kippley, seconded by Beninga, to Remove the Licensing Status and Pre-Annexation Agreements as a Condition. Motion and second were withdrawn.

Vote on the original motion to remove the pre-annexation agreement. By roll call vote: 4 ayes.

MOTION by Kippley, seconded by Beninga, to Remove the Licensing Status as a Condition. By roll call vote: 3 ayes with 1 Nay-Heisey. The City Did Not Concur. Motion Failed.

MOTION by Kippley, seconded by Heisey, to Approve Conditional Use Permit #25-02, as amended by the Commission to remove the pre-annexation agreement condition. By roll call vote: 4 ayes. The City Concurred.

ORDINANCE TEXT AMENDMENTS

Kevin Hoekman, Planner, was present for the public hearing and gave the second reading to consider revisions to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids related to regulations for intermodal shipping/storage containers. Shipping containers are increasingly being used for various purposes, including individual storage and as building blocks for construction throughout Minnehaha County. The increase in the use of shipping containers is leading to increased complaints by neighbors concerned about the unsightliness of the metal boxes. Regulations regarding the use of shipping containers do not exist in the joint zoning ordinance, but the most recent building code book includes a section to regulate the use of shipping containers as a building material for larger structures such as sheds and even houses. The proposed ordinance amendment makes changes in three sections of the zoning ordinance. The greatest amount of change takes place in the accessory building section of the Additional Use chapter of the ordinance. Regulations for intermodal shipping/storage containers are included with general requirements and specific requirements for each zoning district. The temporary use sections include a 90-day allowance of shipping containers without building permits and a definition is added to the Definitions chapter. This item was heard during the January 27, 2025, meeting of the Joint Dell Rapids and Minnehaha County Planning Commissions and was recommended for approval.

Vice-Chair Bleyenberg asked for the proponents and opponents to speak on the proposed ordinance amendment. There were no proponents or opponents in attendance to speak on the topic.

MOTION by Beninga, seconded by Kippley, to Approve Ordinance MC28-22-25, An Ordinance of Minnehaha County, SD, Amending the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids by Amending Article 12.07, Accessory Buildings and Uses, Article 12.11, Temporary Uses, and Article 26.00, Definitions. By roll call vote: 4 ayes. The City Concurred.

The entire ordinance is on file at the Auditor's Office.

Scott Anderson, Planning Director, was present for the public hearing and gave the second reading to consider revisions to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids related to Vacation Home Rental/Short Terms Rental as conditional use in five (5) zoning districts. The proposed ordinance amendment would also create criteria for the use and add a definition for Vacation Home Rental/Short Term Rental to the Zoning Ordinance. The need to address, accommodate and regulate vacation homes and short-term rentals has come to light over the past year and a half. This use will continue to present itself throughout the county and this proposed ordinance amendment attempts to provide a fair framework on how the use can be accommodated. The criteria proposed by staff attempts to be fair to the applicant and the surrounding neighborhood in order that the use can be compatible. The proposed ordinance sets guidelines for the number of occupants per bedroom and requires minimum parking requirements. The contact information for the owner/manager will be required to be posted on site and provided to the Planning Department for issues to be addressed by both renters and planning staff. This item was heard during the January 27, 2025, meeting of the Joint Dell Rapids and Minnehaha County Planning Commissions and was recommended for approval.

Vice-Chair Bleyenberg asked for the proponents and opponents to speak on the proposed ordinance amendment. There were no proponents or opponents to speak on the topic.

MOTION by Beninga, seconded by Heisey, to Approve Ordinance MC28-20-25, An Ordinance of Minnehaha County, SD, Amending the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids by Amending Article 3.00, A-1 Agricultural District, Article 4.00, RR-1 Rural Residential District, Article 4A.00, RR-5 Rural Residential District, Article 5.00 R-1 Residential District, Article 9.00, RC Recreation/Conservation District, Article 12.00 Additional Use Regulations, and Article 26.00 Definitions. By roll call vote: 4 ayes. The City Concurred.

The entire ordinance is on file at the Auditor's Office.

Scott Anderson, Planning Director, was present for the public hearing and gave the second reading on an ordinance amendment to clarify long-term or rental of property in the joint jurisdiction. The proposed amendment would add a section to the Additional Use Regulations that states that it is not the intent of the Joint Zoning Ordinance to prohibit the long-term lease or rental of property provided the use is legal. This would apply to the lease of property such as farmland, mini-storage units, residential leases and other long-term rental or leases of property. This item was heard by the Joint Planning Commission at the January 27, 2025, meeting and unanimously recommended approval of the ordinance amendment.

Vice-Chair Bleyenbergh asked for the proponents and opponents to speak on the proposed ordinance amendment. There were no proponents or opponents to speak on the topic.

MOTION by Kippley, seconded by Beninga, to Approve Ordinance MC28-21-25, An Ordinance of Minnehaha County, SD, Amending the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids by Amending Article 12.00 Additional Use Regulations. By roll call vote: 4 ayes. The City Concurred.

The entire ordinance is on file at the Auditor's Office.

MOTION by Kippley, seconded by Heisey, to Adjourn at 10:01 a.m. 4 ayes. The City Concurred.

The Commission adjourned until 10:00 a.m. on Tuesday, February 25th, 2025.

APPROVED BY THE COMMISSION:

Dean Karsky
Chair

ATTEST:

Kym Christiansen
Commission Recorder