



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
June 23, 2025**

A meeting of the Planning Commission was held on June 23, 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, Adam Mohrhauser, and Cindy Heiberger.

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 7:39 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 by Commissioner Ralston and seconded by Commissioner Heiberger. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – May 19, 2025

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Heiberger to **approve** the meeting minutes from May 19, 2025. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-31 to transfer one (1) building eligibility from the NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ within the E $\frac{1}{2}$ NE $\frac{1}{4}$ (Ex. H-1) Section 30 T102-R50W Benton Township.

Petitioner: Ryan Andresen

Property Owner: Same

Location: Approximately 1 mile east of Hartford

Staff Report: Scott Anderson

General Information:

Legal Description – E $\frac{1}{2}$ NE $\frac{1}{4}$ (Ex. H-1) Section 30 T102-R50W Benton Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 76.30 Acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to move the building eligibility from the NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of this section, which is located along 467th Avenue. On June 10, 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. Additionally, the property is located at the end of 467th Avenue where it would have crossed Interstate 90, but is now closed, 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 2045 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-31 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 Benton 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 Heiberger to **approve** Conditional Use Permit #25-31 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-31 – Approved



ITEM 3. CONDITIONAL USE PERMIT #25-33 to transfer two (2) building eligibilities from the SW¼ NE¼ & SE¼ NE¼ within the NE¼ (Ex. Stowsand Addition) to the NW¼ (Ex. Tract 1 McKaughan's Addition & Ex. N487' W1049.47' & Ex. N539.4' E343.5' W1393' & Ex. N738' Ex. W1393' Thereof & Ex. That Portion W1393' S424.75' N964.15' Lying E of Tract 1 McKaughan's Addition) all within Section 20 T102-R51W Hartford Township.

Petitioner: F Michael Grace

Property Owner: F Michael & Geri Grace; Thomas & Marlis Stowsand

Location: Approximately 1 mile west of Hartford

Staff Report: Mason Steffen

General Information:

Legal Description – NW¼ (Ex. Tract 1 McKaughan's Addition & Ex. N487' W1049.47' & Ex. N539.4' E343.5' W1393' & Ex. N738' Ex. W1393' Thereof & Ex. That Portion W1393' S425.75' N964.15' Lying E of Tract 1 McKaughan's Addition) Section 20 T102-R51W Hartford Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 120.07 Acres

Staff Report: Mason Steffen

Staff Analysis: Minnehaha County recently amended the zoning ordinance to allow for the transfer of building eligibilities between contiguous properties under different ownership. The petitioner and his wife co-own the sending property with the Stowsands, while the receiving property is owned solely by the Graces. The current locations for the building eligibilities are landlocked within the middle of a section and adjacent to an undeveloped section line right-of-way. The receiving location is within close proximity to four dwellings in the northwest quarter of the section and is also closer to 461st Street and SD Highway 38. On June 9, 2025, staff conducted a site visit to the subject property and surrounding area. An intermittent stream flows through the south portion of both properties and there is floodplain located within the existing quarter-quarter sections for the building eligibilities. Finally, the proposed receiving location will be located closer to developed roads, will preserve more farmland, and will allow the building eligibilities to be better used in an area not within the floodplain

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 will 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 receiving location. The transfer will move the eligibilities closer to a cluster of dwellings along the state highway, within close proximity to the city of Hartford. Therefore, the additional 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 properties are located just outside of the transition area with the city of Hartford, in an area designated for agricultural production. Any development of vacant land is limited to the available building eligibilities on the land, and the transfer of these building eligibilities should not impact 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 any single-family dwelling can be constructed. The petitioner will also be required to obtain access to all the necessary utilities for the property. The single-family dwellings will have a 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 each single-family dwelling. The off-street parking requirement will be met once the single-family dwellings are 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 Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-33 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
- 2.) The applicant shall obtain the applicable driveway permits from the South Dakota Department of Transportation or Hartford Township, prior to the issuance of any building permits.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-33 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-33 – Approved



ITEM 4. CONDITIONAL USE PERMIT #25-34 to exceed 3,600 square feet of accessory building space (requesting 8,000 square feet) on the property legally described as Tract 2 Fowlds Addition NW¼ NW¼ Section 25 T103N-R49W Sverdrup Township.

Petitioner: Shane Sluiter
Property Owner: Same
Location: 47715 254th Street
Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 2 Fowlds Addition NW¼ NW¼ Section 25 T103N R49W Sverdrup Township
Present Zoning – A-1 Agricultural
Existing Land Use – Residential Acreage
Parcel Size – 11.15 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property owner is planning on constructing a bathroom addition onto an existing accessory building. The addition is 10' x 12' in size, but there are already several large accessory buildings on the property that bring the total square footage to nearly 8,000 square feet. A conditional use permit is required for permitting accessory building space greater than 3,600 square feet in a subdivision of residential properties.

The petitioner submitted a sketch plan of the proposed addition to support the request for CUP. He stated at the application that the accessory building has in floor heat which cannot be broken on the inside of the building.

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 property is located within a small residential group of acreages within the agricultural production area. Agricultural fields are located to the north, east, and south of the property. The small residential subdivision is located to the west of the property. The existing property already includes many large accessory buildings. The proposed small bathroom addition will not affect any of the neighboring land uses.

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

The property is located within an active agricultural area. The proposed addition is planned to be 120 square feet of 8,000 total accessory building area. Previous buildings were permitted as agricultural use, and there may be some precedent for large accessory buildings in the neighborhood in the future. The proposed use will not affect the area agriculture.



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

The property is already developed with a single family dwelling and accessory uses. Electricity, water, and access already exists on the property. The petitioner will need to obtain a septic permit for approval of new on-site wastewater treatment facilities for the addition.

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

The proposed land use will not increase required parking area. The property is large enough to accommodate many vehicles.

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 bathroom addition to an accessory building will not create any additional odor, fumes, dust noise or vibration that will create a nuisance. If the addition will have any outdoor lighting, it should be designed to direct light downward to prevent light from spilling onto the neighbors.

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

Since the property is large and the proposed addition is small in comparison to what exists already on the property, it should not have any negative effect on the health safety and general welfare of the public.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-34 with the following conditions:

- 1) The building addition location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 8,000 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses or as a residential dwelling at any time.
- 5) That any new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) That a building permit is required prior to construction of the accessory building addition.
- 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 Heiberger to **approve** Conditional Use Permit #25-34 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-34 – Approved



ITEM 5. CONDITIONAL USE PERMIT #25-35 to transfer one (1) building eligibility from the NE $\frac{1}{4}$ SW $\frac{1}{4}$ within the E $\frac{1}{2}$ SW $\frac{1}{4}$ (Ex. H-2) to the W $\frac{1}{2}$ SW $\frac{1}{4}$ (Ex. H-1 & Ex. SW $\frac{1}{4}$ SW $\frac{1}{4}$ & Ex. S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ & Ex. W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ & Ex. Tracts 1 & 2 Amundson's Addition) all in Section 20 T104N-R50W Burk Township.

Petitioner: Christopher Stanford

Property Owner: Paul Amundson

Location: Approximately 2 $\frac{1}{2}$ miles east of Colton

Staff Report: Mason Steffen

General Information:

Legal Description – W $\frac{1}{2}$ SW $\frac{1}{4}$ (Ex. H-1 & Ex. SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ & Ex. S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ & Ex. W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ & Ex. Tracts 1 & 2 Amundson's Addition)

Section 20 T104-R50W Burk Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 52.94 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 requires a conditional use permit in order to be utilized. The petitioner is requesting to move the building eligibility from this landlocked quarter-quarter to the W $\frac{1}{2}$ SW $\frac{1}{4}$, which will have direct access to 467th Avenue and is located in close proximity to two other dwellings. On June 9, 2025, staff conducted a site visit of the subject property and surrounding area. The residential density in the area is low with only a few acreages within a half mile of the site. Additionally, the property is located only a quarter mile north 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, but there is a small scale farm a quarter mile to the southwest of the receiving location. This proposed residential use should have minimal impact on this farm, given the existing residential acreages in the area, and the additional dwelling should not overly impact the neighboring residential uses.

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. 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 Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-35 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.) The applicant shall obtain the applicable driveway permits from Burk Township, prior to the issuance of any building permits.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-35 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-35 – Approved



ITEM 6. CONDITIONAL USE PERMIT #25-37 to make two (2) building eligibilities available on the properties legally described as Tract 2 Jensen Addition SW¼ and Tract 3 R. Merry Addition SW¼ all in Section 7 T104N-R48W Logan Township.

Petitioner: JN Jensen Legacy Trust

Property Owner: Same

Location: Approximately 2½ miles east of Dell Rapids

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 3 R. Merry Addition SW¼ Section 7 T104N-R48W Logan Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 101.94 Acres

Staff Report: Mason Steffen

Staff Analysis: The two building eligibilities on these properties were originally assigned to a lot of record, and building eligibilities assigned to lots of record require a conditional use permit to be utilized. Since the building eligibilities were originally assigned, the property has been subdivided into Tract 3 R. Merry Addition and Tracts 1 & 2 Jensen Addition. The petitioner is now requesting to make the building eligibilities assigned to Tract 3 R. Merry Addition and Tract 2 Jensen Addition available via this conditional use permit. Tract 2 Jensen Addition will be available for sale immediately, but the petitioner has no immediate plans for Tract 3 R. Merry addition. On June 9, 2025, staff conducted a site visit of the subject property and surrounding area. Currently, there are only two other acreages within a half mile of the proposed building sites. However, directly to the west is the new Evermore Estates Addition, which is a twelve lot residential development that was approved in 2024. Finally, there are no permitted concentrated animal feeding operations within a mile of the properties, and this will limit any impact these additional dwellings will have on agricultural production 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.

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. The additional residential uses will not significantly affect the surrounding properties. There are also no permitted concentrated animal feeding operations within a mile of the proposed building sites, so these residential dwellings should have a minimal impact on the agricultural production 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 subject properties are 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 making these building eligibilities available will minimally impact any future development.

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

Tract 2 Jensen Addition has an existing mutual access easement with Tract 1 Jensen Addition off 246th Street. The petitioner will still need to obtain access from the Minnehaha County Highway Department, or Logan Township, for access onto Tract 3 R. Merry Addition. The petitioner will also be required to obtain access to all the necessary utilities for the properties. Single-family dwellings 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 each single-family dwelling. The off-street parking requirement will be met once the single-family dwellings are 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 properties will have to comply with the public nuisance ordinance.

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

Making these two building eligibilities available will have no anticipated effects on the health, safety and general welfare of the public. It will also not increase the number of building eligibilities within the section and will cluster most of the building eligibilities in this quarter section to one location. Both of these conform to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-37 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on each deed, prior to the issuance of any building permit for a single-family dwelling.
- 2.) The applicant shall obtain the applicable driveway permits from the Minnehaha County Highway Department, or Logan Township, prior to the issuance of any building permits.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-37 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-37 – Approved



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

JUNE 23, 2025

Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Heiberger and seconded by Commissioner Mohrhauser. The motion was approved unanimously. The meeting was adjourned at 7:46 p.m.