



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
August 25, 2025**

A meeting of the Planning Commission was held on August 25, 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, 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 7:18 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 Item 2 was requested to be moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 1, 3, 4, 5, 6, 7, & 8 by Commissioner Mohrhauser and seconded by Commissioner Heiberger. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – July 28, 2025

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Heiberger to **approve** the meeting minutes from July 28, 2025. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 3. CONDITIONAL USE PERMIT #25-45 to allow an Accessory Dwelling Unit (ADU) on the property legally described as Tract 2 Struck's Addition S½ SE¼ Section 7 T103N-R52W Clear Lake Township.

Petitioner: Todd Struck & Lydia Reding

Property Owner: Same

Location: 45490 252nd Street

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 2 Struck's Addition S½ SE¼ Section 7 T103N-R52W

Clear Lake Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 10.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The proposed accessory dwelling unit (ADU) has existed on the property as a farmstead since the early 1900s. Earlier this year, the petitioner received a building permit to build a new single-family dwelling in the southwest portion of the property. They are now requesting that the existing farmstead remain on the property as an ADU. The general requirements for an ADU are the following:

- 1) The ADU must be accessory to a primary dwelling, and the primary dwelling and ADU must be located together on one platted lot.

Based on Equalization records, the finished floor area of the existing farmstead is approximately 46% of the finished floor area of the primary dwelling. Both the proposed ADU and primary dwelling are located entirely within the property boundaries of Tract 2 Struck's Addition, which was platted in July of this year.

- 2) Only one ADU is allowed per parcel where zoning allows.

The subject property is entirely zoned A-1 Agricultural, which allows ADUs as a conditional use. No additional ADUs will be allowed on the property if this request is approved.

- 3) The ADU must be built on permanent frost protective footings.

The proposed ADU is an existing farmstead that has a full foundation.

- 4) The parcel must be able to handle additional wastewater potential for the ADU. Proof of capacity of wastewater compliance must be provided before approval of any conditional use permit.

The petitioner was required to perform a percolation soil test and obtain a new on-site wastewater system for the new primary dwelling. The existing farmstead has a separate wastewater system that will continue to service the proposed ADU.



- 5) No additional access from a township, county, or state highway may be constructed for separate use of the ADU.
The ADU will continue to use the access point off 455th Avenue, which has existed since the construction of the original farmstead.
- 6) Two additional off-street parking spaces must be provided for the ADU.
There is an existing detached garage on the property that may provide off-street parking for the ADU. There is also a concrete pad next to the ADU that will provide additional off-street parking.
- 7) If the ADU is located within a regulated floodplain, then the lowest floor of the ADU must be elevated at or above the base flood elevation.
No portion of the subject property is located within the regulated 100-year floodplain.
- 8) No ADU can be located within the regulated floodway.
No portion of the subject property is located within the regulated floodway.
- 9) The ADU must comply with all other county ordinances.
The ADU currently complies with all the relevant county ordinances including the public nuisance ordinance.

The proposed ADU is an existing farmstead that has been in place on the site since the early 1900s. Based on Equalization records, the proposed ADU has approximately 1,456 square feet of finished floor area. The new primary dwelling was permitted to include 3,136 square feet of finished floor area between the main floor and basement. The ADU regulations allow for an existing dwelling that is at least thirty years old to be utilized as a detached ADU, as long as the finished floor area of the proposed ADU is less than 100% of the finished floor area of the primary dwelling. The finished floor area of the proposed ADU will be approximately 46% of the primary dwelling's finished floor area. The detached ADU is also required to meet the setbacks for a dwelling in the A-1 Agricultural zoning district, and the existing location meets these setbacks.

On August 7, 2025, staff conducted a site visit to the subject property and surrounding area. There are very few residences within a mile of the subject property and the main land uses in the area are farmland and wetlands. Allowing this existing farmstead to remain on the site as an ADU will minimally impact these surrounding land uses. Finally, there are no permitted concentrated animal feeding operations (CAFOs) within a mile of the subject property, and allowing a limited increase in residential density on the existing farmstead will preserve more farmland.

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 was required prior to the issuance of the building permit for the new primary dwelling on the property. Therefore, the property owner has acknowledged the realities of living in the agricultural area of the county. Allowing the existing farmstead to remain



on the property as an ADU will have a minimal impact on the use and property value of surrounding properties.

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

The vacant land in the area is entirely used for agricultural land uses. Allowing an ADU on the subject property will be a limited increase in residential density in an area where this type of density is controlled by the availability of building eligibilities. The main use of vacant land in the surrounding area will continue to be agricultural for the foreseeable future, and allowing the existing farmstead to remain as an ADU on the property should minimally impact these current and future uses.

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

The ADU already has access to all the necessary utilities including water, electricity, and an on-site wastewater system. The ADU will continue to utilize the existing access point off 455th Avenue. Finally, the ADU is already constructed on the property and will not impact drainage in the area.

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

There is a detached garage on the property that may provide off-street parking for the ADU. The subject property is also large enough to provide ample off-street parking for both the primary dwelling and ADU.

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 use of the existing structure as an ADU will not create any odor, fumes, dust, noise, vibration, or lighting nuisances to the surrounding properties. The ADU and subject property will be required to adhere to the public nuisance ordinance for Minnehaha County.

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

The proposed ADU will have no anticipated effects on the health, safety and general welfare of the public. Allowing this ADU on an existing acreage will allow for additional residential density without converting farmland into non-agricultural uses, which follows the intent of the recently adopted ordinance amendments and Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-45 with the following conditions:

- 1) That no more than one ADU shall be allowed on the property.
- 2) That no new access points shall be allowed off any public right-of-way for separate use by the ADU.
- 3) That two off-street parking spaces shall be provided for the ADU.
- 4) That any new or replacement outdoor lighting on the ADU shall be of a full cutoff and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 5) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice of the owner, to ensure that the property is in full compliance



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

AUGUST 25, 2025

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 Mohrhauser and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-45 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-45 – Approved



ITEM 4. CONDITIONAL USE PERMIT #25-46 to transfer one (1) building eligibility from the NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Ex. Robert's Addition) Section 22 T102N-R47W Red Rock Township.

Petitioner: Paul Sittig

Property Owner: Same

Location: Approximately 2½ miles north of Valley Springs

Staff Report: Mason Steffen

General Information:

Legal Description – NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Ex. Robert's Addition) Section 22 T102N-R47W Red Rock Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 77.13 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to move the building eligibility from the NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of the section. The proposed receiving location will be in close proximity to the existing dwelling in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the remainder of the property will continue to be utilized as farmland. On August 7, 2025, staff conducted a site visit of the subject property and surrounding area. There are a few existing acreages within a half-mile of the receiving location, but the majority of the land in the area is utilized for farmland. There are also a few small scales farms in the surrounding area, but the use of this building eligibility at the receiving location should have a minimal impact these farms.

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 is one permitted concentrated animal feeding operation (CAFO) just under a mile to the west of the property, and the receiving location is slightly further from this CAFO than the sending location. This one additional residential use should have a minimal impact on the use, enjoyment, and property value of the surrounding properties.

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 continue to 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 #25-46 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 any new driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-46 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-46 – Approved



ITEM 5. CONDITIONAL USE PERMIT #25-48 to transfer one (1) building eligibility from the SW¼ NW¼ within the W½ NW¼ Section 12 to Tract 5 Powers' Addition SE¼ Section 11 all within T102N-R49W Mapleton Township.

Petitioner: Casey & Megan Finnicum

Property Owner: Casey & Megan Finnicum; Edwin & Gaylene Powers

Location: 47690 258th Street

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 5 Powers' Addition SE¼ Section 11 T102N-R49W

Mapleton Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 14.85 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to transfer a building eligibility from one parcel through another to the final receiving parcel. The receiving parcel has an existing dwelling on it and the address for the current dwelling is 47690 258th Street. A transfer of a building eligibility requires approval of a conditional use permit.

The property is located approximately two miles north of Sioux Falls and about two miles east of Renner Corner. The building eligibility is currently located in an area with no direct road access. The receiving parcel has an existing single family dwelling and driveway onto County Highway 130. The receiving parcel is part of a line of residential acreages on the north side of the highway.

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 parcel is located in an active agricultural area. any new housing starts will require a right-to-farm-notice covenant in order o notify the property owner of the challenges of living in the rural area. Staff understands that the building eligibility may not be used for some time into the future. A new plat should be made to accommodate any future single family dwelling and to have separate properties for each dwelling.

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

The receiving parcel is located within the agricultural production area of the future land use plan. agricultural land uses are expected to remain the predominant land use for some time into the future. However, the property is also in close proximity to other residential properties and the joint jurisdictional area. The continuing of agricultural production will likely remain crop and pasture land. The additional residence will not have significant effect on the future land uses of the area.



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

The proposed land use will result in a new single family dwelling. There is an existing driveway that can be shared, and a new dwelling will not significantly change the drainage of the property. The property owner will be required to extend any needed utilities and obtain proper septic permits for on-site wastewater treatment.

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

Off-street parking will be met when the single family residence is permitted. There are no loading requirements for a single family dwelling.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

A single family dwelling does not typically produce offensive odor, fumes, dust, noise, vibration, and lighting. The property will be required to continually meet the public nuisance ordinance.

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

The proposed land use will cluster an existing building eligibility and with other single family residential acreages. The comprehensive plan encourages clustering of building eligibilities to preserve agricultural production land.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-48 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed, prior to the issuance of any building permit for a single-family dwelling.
- 2.) All lots must be platted separately before a building permit for a single family dwelling will be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-48 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-48 – Approved



ITEM 6. CONDITIONAL USE PERMIT #25-49 to transfer three (3) building eligibilities from the NE¼ (Ex. Theis Addition) to Tract 1A Olson's Addition NW¼ all within Section 17 T101N-R47W Valley Springs Township.

Petitioner: Boucher Holdings LLC

Property Owner: Boucher Holdings LLC; Linda Elliott

Location: Approximately 2 miles southwest of Valley Springs

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 1A Olson's Addition NW¼ Section 17 T101N-R47W

Valley Springs Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 89.01 Acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to move three building eligibilities from the balance of the NE ¼ of Section 17 to Tract 1A of Olson's Addition in the Northwest 1/2 of Section 17, which is located along 264th Street between 484th and 485th Avenues. This area is approximately 2 miles southwest of Valley Springs. On August 11, 2025, staff conducted a site visit of the subject property and surrounding area. There is some existing residential development consisting of the McHardy First Addition and approximately 10 additional platted lots with residences on them located approximately 1 mile to the west. In addition, there are two residences located to the south. The proposed transfer will continue to group residential uses in the same area and will not overly impact the surrounding property owners.

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 #25-49 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 Mohrhauser and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-49 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-49 – Approved



ITEM 7. CONDITIONAL USE PERMIT #25-50 to transfer two (2) building eligibilities from the W½ SW¼ (Ex. H1) Section 10 to Tract 2 Opland Addition NE¼ Section 15 all within T104N-R50W Burk Township.

Petitioner: Jason Brown

Property Owner: Jason & Jacqueline Brown; William & Diane Brown

Location: Approximately 4 miles west of Dell Rapids

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 2 Opland Addition NE¼ Section 15 T104N-R50W

Burk Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 41.19 Acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to move two building eligibilities from the W ½ SW ¼ of Section 10 to a platted tract in the NE¼ of Section 15, which is located at the intersection of County Highways 104 and 137. This area is approximately 1 ½ miles west of the Dell Rapids exit. On August 5, 2025, staff conducted a site visit of the subject property and surrounding area. There is an existing residential development consisting of five (5) lots located directly west of the receiving parcel. In addition, there are two residences located to the north and south. The proposed transfer will continue to group residential uses in the same area and will not overly impact the surrounding property owners.

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 are several existing acreages 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 #25-50 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 the Minnehaha County Highway Department 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 Mohrhauser and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-50 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-50 – Approved



ITEM 8. CONDITIONAL USE PERMIT #25-52 to transfer one (1) building eligibility from the NE¼ SE¼ to the SE¼ SE¼ within the E½ SE¼ Section 16 T102N-R50W Benton Township.

Petitioner: Wintersteen Family LLC

Property Owner: Same

Location: 25885 469th Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – E½ SE¼ Section 16 T102N-R50W Benton Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 80.00 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting a transfer of a building eligibility from one quarter-quarter section to another quarter-quarter section on the same parcel. The transfer will allow a new single family dwelling to be located within an existing shelter belt of trees. A transfer of a building eligibility requires approval of a conditional use permit.

The petitioner submitted a complete questionnaire in support of the transfer request. The petitioner has owned this land for over twenty years. The petitioner owns other building eligibilities, but he stated that he has no other plans at this time.

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 an active agricultural area with many fields of cropland and pasture land nearby. No permitted confined animal feeding operations are located in the area where the building eligibility will be used. The transfer will move the building eligibility to a more suitable location where there are existing trees and the space is small for row crops. The receiving location is a better option than developing the building eligibility on the current location.

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 the transition area of the future land use map within the comprehensive plan. The primary purpose of the transition area is to preserve agricultural land until eventual development of residential and/or municipal development. The proposed transfer that will lead to an additional single family dwelling is consistent with density zoning and will not generally affect future development. A right-to-farm notice covenant is required for all new housing starts in the A1-Agricultural zoning district.



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

The area where the proposed dwelling will go is undeveloped. The property owner will be responsible for extending all needed utilities and obtaining a septic permit for the on-site wastewater treatment. The petitioner will also need to obtain any necessary driveway access permits from the township for any new accesses onto the township road.

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

All required parking requirements will be met when a single family dwelling is permitted. The property is large enough to accommodate off street parking.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

A single family dwelling does not typically produce offensive odor, fumes, dust, noise, vibration, and lighting. The property will be required to continually meet the public nuisance ordinance.

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

The proposed transfer will allow a single family dwelling to be located in close proximity to an existing single family dwelling and within existing trees. The transfer will preserve contiguous farm land better than leaving the eligibility in its current location.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-52 with the following conditions:

- 1) A right-to-farm notice covenant shall be placed on the deed, prior to the issuance of any building permit for a single-family dwelling.
- 2) All lots must be platted separately before a building permit for a single family dwelling will be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Heiberger to **approve** Conditional Use Permit #25-52 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-52 – Approved



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-44 to exceed 2,400 square feet of accessory building space (requesting 3,600 square feet) on the property legally described as Lot 8 Songbird Acres 2nd Addition NW¼ Section 32 T102N-R50W Benton Township.

Petitioner: Mark Poss

Property Owner: Same

Location: 26122 S Robin Drive

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 8 Songbird Acres 2nd Addition NW¼ Section 32 T102N-R50W Benton Township

Present Zoning – RR Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – 1.36 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 3,600 square feet of detached accessory building area on the property. Currently, there is a small, detached shed on the property that will be removed if this request is approved. The zoning ordinance allows for a total of 2,400 square feet of detached accessory building area on a property of this size without a conditional use permit. Therefore, a conditional use permit is required for the requested 45' x 80' detached garage.

On August 7, 2025, staff conducted a site visit of the subject property and surrounding area. The property is located in the Songbird Acres Subdivision, which is a residential subdivision of approximately fifty dwellings along South Dakota Highway 38. Many properties within this subdivision have detached accessory buildings, but the proposed building will be the largest building within the subdivision. The area outside of the subdivision is mainly used for agricultural and quarry land uses. Based on these existing land uses, allowing the proposed building on a rural acreage will not overly impact the neighboring land uses.

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 property is located within a rural subdivision that has many similar sized properties. Many properties within the subdivision have detached accessory buildings and several have been approved for larger structures via conditional use permits. However, the proposed building will be the largest within the subdivision and may lead to similar requests from the neighboring property owners. Given the rural nature of the subdivision, the proposed accessory building should have no



anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity.

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

The Song Bird Acres subdivision is located just outside the joint jurisdiction with Sioux Falls and is approximately one and half miles east of the city limits of Hartford. This area is located within the designated transition area on the Future Land Use Map, and the use of the surrounding vacant land will largely remain agricultural until municipal development. The proposed personal use of the building on a property within an existing subdivision will minimally impact the surrounding vacant land, and there are no vacant lots within the subdivision.

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

The proposed building will utilize the existing access off Robin Drive. The property owner will be required to extend all other necessary utilities to the structure. The drainage from the property generally flows to the southeast and the proposed building will minimally impact drainage in the 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 proposed accessory building will 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 new 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 should not be negatively affected by the construction of the proposed accessory building. The property is included in the transition area on the Future Land Use Map within the Envision 2045 Comprehensive Plan. The primary purpose of the transition area is to maintain the rural landscape until the eventual development of residential and/or municipal land uses. Allowing the proposed accessory building on an acreage within an existing residential subdivision will not impact the rural landscape in this area and conforms to the goals and policies of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-44 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 3,600 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.
- 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.

Public Testimony

Mason Steffen, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Mohrhauser asked planning staff to explain where the drainage flows on the property and surrounding area. Mason explained that the drainage generally slopes to the southeast, but that the rear yard of the property is mainly flat.

Commissioner Heiberger asked where the driveway to the building will be located. Mason explained that the driveway to the new building will be to the north of the house and extend to the east.

Mark Poss, of 26122 Robin Drive, Sioux Falls, SD, was present and available for questions from the commission.

Commissioner Randall asked the petitioner to explain how they will access the new building. Mr. Poss explained that the driveway will be along the north property line and extend to the west side of the proposed building, which is where the garage door will be for the structure. Mr. Poss also commented that the area between the retaining wall and his house is seventeen feet wide, and that his rear yard is the lowest ground in the area, so most of the drainage flows onto his property.

Commissioner Heiberger asked for clarification on exactly where the building will be located on the property. Planning staff explained that the building will be located in the northeast corner of the property and pointed to this location on the property map.

Donna Perrion, of 46713 Meadowlark Lane, Sioux Falls, SD, explained her concerns with the proposed building to the commission. She stated that she has concerns with the size of the building and that this request will set a precedent and lead to more larger buildings in the subdivision.

Mason Steffen explained that any future requests from neighbors for buildings similar in size will still require a conditional use permit and will be evaluated on a case by case basis.



Discussion

Commissioner Mohrhauser stated that he is concerned with drainage from the building and the proposed driveway affecting the neighboring properties based on the size of the building.

Commissioner Heiberger stated that she is not as concerned with the drainage on the property because of planning staff's comments. Commissioner Heiberger also commented that larger storage buildings are becoming a trend and that this is not the first or last request the commission will consider.

Action

A motion was made by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-44 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-44 – Approved



ITEM 9. REZONING #25-02 to rezone from the A-1 Agricultural District to the C Commercial District the property legally described as Tract B Schreurs' Addition (Ex. H-1) S½ SE¼ Section 23 T103N-R49W Sverdrup Township.

Petitioner: Bruce Vollan

Property Owner: John Schreurs; Ransom LLC

Location: Approximately 1½ miles east of the 475th Avenue & 254th Street intersection

Staff Report: Scott Anderson

General Information:

Legal Description – Tract B Schreurs' Addition (Ex. H-1) S½ SE¼ Section 23

T103N-R49W Sverdrup Township

Present Zoning – A-1 Agricultural

Existing Land Use – Pasture

Parcel Size – 14.87 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant has submitted a rezoning request to rezone the above described 14.87-acre parcel from A-1 Agriculture to C Commercial District. The applicant is currently using Tract B for commercial purposes in violation of the Minnehaha County Zoning Ordinance.

On August 5, 2025, staff conducted a site visit to the subject property. The site is currently being used for equipment storage and trucking facility. The current activity on the site is a violation, as this use is not allowed in the A-1 Agriculture District. When the applicant applied for Conditional Use Permit #12-50 for a larger accessory building in October of 2012, a condition of approval was: ***2. The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.*** The current activity violates this condition. The current zoning does not allow for this use. During the site visit staff observed over 12 tanker trailers and semi-trucks and several personal vehicles parked on the extensive graveled parking area. It also appeared that the 2 larger buildings on the site were being used for office/storage and/or repairs. It should be noted that if the zoning request is approved, the current parking lot does not meet the hard surfacing requirements as detailed in Articles 15.04(A) of the Minnehaha County Zoning Ordinance. The continued use of the property for commercial purposes without hard surfacing the entire driveway and parking area would be another violation of the Zoning Ordinance.

The applicant only paid the typical \$350 rezoning application fee on July 25, 2025, when submitting this application. Article 24.02 of the Minnehaha County Zoning Ordinance indicates that if any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. The applicant has not paid the double fee. The applicant shall pay the additional \$350 application fee prior to a hearing before the County Commission.

The property is located on County Highway 122 approximately 1 ½ miles to east of the intersection with SD Highway 115. The closest commercial zoned property is located at this intersection. Vollan Oil operates a gas station and service facility at the intersection of County Highway 122 and



SD Highway 115. The equipment storage and trucking facility currently being operated on this site appears to be associated with Vollan Oil, as all the semi trucks and tankers were labeled as such.

There are two existing buildings on the site. Each building is 54 feet by 105 feet. These buildings were permitted as agricultural structures and may not meet the building code for commercial use. In addition, these buildings are located approximately 265 feet away from an existing single family residence. Given the large number of tanker trucks from Vollan Oil, hazardous materials could be stored in these buildings. The number of tanker trucks adjacent to an existing residence that is only 265 feet away is a conflicting land use.

The Envision 2045 Plan indicates that the majority of commercial and industrial development should be focused towards municipalities, transition areas, interstate interchanges and major highway crossings. While this parcel is located on a county highway, it meets none of the idea identified areas for commercial development to occur. This rezoning would represent a spot zoning in an area that is agricultural in nature and set a precedent for future spot zoning requests. The proposed zoning is in opposition to the goals of the Comprehensive Plan and does not promote orderly growth.

Recommendation: Staff finds that the proposed rezoning does not conform to the goals and policies of the Envision 2045 Comprehensive Plan and recommends **denial** of Rezoning #25-02 to rezone the subject property from the A-1 Agricultural District to the C Commercial District.

Public Testimony

Scott Anderson, the County Planning Director, presented the staff report and recommendation to the commission.

Commissioner Mohrhauser asked who originally requested the conditional use permit for the large accessory buildings and if it was the current owner. Scott stated that he believed that the conditional use permit in 2012 was requested by the current owner of the property. Scott further stated that during the conditional use permit the applicant was specifically told that the buildings may not be used for commercial uses.

Commissioner Heiberger asked if the driveway on to the site was an approved agricultural approach with the County Highway Department. Scott stated that he did not check with the highway department on if the approach was an agricultural field approach or an approved driveway. Commissioner Heiberger also asked planning staff if the property has been paying commercial or agricultural property tax rates. Scott explained that the property has historically been taxed as an agricultural property and that the buildings may not have been built to the commercial code requirements. Commissioner Heiberger then asked for confirmation that the petitioner's existing gas station is a mile and a half to the west of this site. Scott confirmed that the petitioner's existing business is located at the Midway Corner, which is a mile and a half to the west on 254th Street.

Bruce Vollan, of 47622 252nd Street, Baltic, SD, was present and available for questions from the commissioners. Mr. Vollan explained that the existing Vollan Oil business has been expanding and that he had the ability to rent this property, so that is why he wants to move a portion of the business



to this location. He further stated that no offices or repair facilities are located on the property and that drivers arrive on the site in the morning and are gone most of the day with the trucks delivering to customers. Mr. Vollan also explained that they have applied for a permit with the County Highway Department to expand the apron of the existing driveway for better access to the site. Finally, he stated that they came to the Planning Department to apply for the commercial zoning because the site is very visible and that they are not trying to hide the fact that they are using the property for commercial uses.

Commissioner Heiberger asked the petitioner if they own the subject property, and if so, when did they purchase the site. Mr. Vollan explained that he has a contract for deed for the site that will be paid over the next three years. Commissioner Heiberger then asked how long the petitioner has used the site for their commercial operation. Mr. Vollan stated that they have used the site to park equipment for many years.

Discussion

Scott Anderson explained to the commission that the existing commercial use on the site would be a listed conditional use in the C Commercial District. Therefore, he explained that even if the property is rezoned to the C Commercial District, the petitioner would still need to apply and be approved for a conditional use permit for the intended use.

Commissioner Heiberger asked if this request is automatically forwarded to the County Commission regardless of the Planning Commission decision. Scott explained that all rezoning requests must be heard by the County Commission, and that the Planning Commission's decision is only a recommendation that the County Commission may uphold or reverse. Commissioner Heiberger then stated that there are a lot of issues with the request and asked staff what issues the Planning Commission should consider at this meeting. Scott explained that the Planning Commission should look at the request as a land use issue and determine if the proposed zoning district is compatible with the surrounding area. He further commented that the commission must decide to approve, deny, or defer action on the request, and that they cannot approve the rezoning with condition requirements such as hard surfacing or approach permits.

Commissioner VanDerVliet stated that he is in support of the proposed rezoning and the fact that no one from the audience was at the meeting to speak in opposition of the business was a good sign. Commissioner VanDerVliet also stated that Vollan Oil provides a service to the county and that many people in the area would support the business at this meeting if they were asked.

Commissioner Heiberger stated that she is not in favor of the proposed rezoning because she believes the property is not in the right area for this type of business. Commissioner Heiberger also commented that the County Commission can address the issues around the property and determine if the rezoning is appropriate, but as the Planning Commission she believes they should follow planning staff's recommendation to deny the request. Finally, Commissioner Heiberger stated that the area surrounding the site is agricultural land and that the commercial use does not follow any of the county's future land use plans.



Commissioner Heiberger then asked a member of the audience to come to the podium and asked what his comments were on the request.

Todd Ibis, of 1600 W Wicklow Lane, Sioux Falls, SD, stated that he sees spot rezoning all the time in the county with new residences being built and converted from agricultural land to residential land. Mr. Ibis then commented that he believes not allowing this commercial rezoning is not consistent with the county's past decision on residential rezonings. Scott Anderson stated that he took exception to Mr. Ibis implying that the county is spot rezoning properties from agricultural to residential. Scott further commented that it is likely that Mr. Ibis is observing the use and clustering of building eligibilities, which is allowed in the A-1 Agricultural zoning district, and is not rezoning properties to rural residential.

Action

A motion was made by Commissioner Heiberger and seconded by Commissioner Mohrhauser to **deny** Rezoning #25-02.

Commissioner VanDerVliet commented that he believes the Planning Commission should base their vote on how they feel about the request and not use the fact that it is going to the County Commission regardless of their decision to deny the request. Commissioner VanDerVliet also stated that the county needs these services and that the petitioner has put in the work to hard surface the driveway.

The motion to **deny** Rezoning #25-02 was approved with 3 votes in favor and 2 votes against the motion. Commissioners Duffy, Mohrhauser, and Heiberger voted in favor of the motion and Commissioners Randall and VanDerVliet voted against the motion.

Rezoning #25-02 – Denied



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

AUGUST 25, 2025

Old Business

Scott Anderson, the County Planning Director, provided an update on Conditional Use Permit #25-41, which was heard by the Planning Commission in July and appealed to the County Commission. Scott explained that the appeal was heard at the August 19, 2025, County Commission meeting and that the County Commission upheld the Planning Commission decision to approve the request.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Heiberger. The motion was approved unanimously. The meeting was adjourned at 8:02 p.m.